



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323916-25**

<b>Development</b>	LRD: provision of 107 residential units, ESB substation and associated site works. A Natura Impact Statement (NIS) was submitted to the Planning authority with the application.
<b>Location</b>	Lands at Rivers Road, Ballyclogh Townland, Castletroy, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2560788
<b>Applicant(s)</b>	Connect Investment Limited.
<b>Type of Application</b>	Large Scale Residential.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Martin & Helen O'Rourke Deirdre Haugh Jennifer & Liam Bell
<b>Observer</b>	Office of Public Works.

**Date of Site Inspection**

31<sup>st</sup> January 2026.

**Inspector**

Peter Nelson

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**Appendix 1:** EIA Pre-Screening, EIA Screening Determination

**Appendix 2:** AA Screening, Appropriate Assessment

**Appendix 3:** Water Framework Directive

## 1.0 Site Location and Description

- 1.1. The site is located at Ballycloagh, Annacotty in the eastern suburbs of Limerick City. The site is a greenfield site bounded on its western side by Rivers Road and on its eastern side by the Mulkear River. A tributary of the Mulkear River runs along the northern boundary of the site. Beyond the tributary are a number of detached single-storey dwellings and the Oaks Residential Development. To the south of the site is open grassland, and beyond that is the M7 motorway. On the western side of the River Road are a number of detached dwellings and the Aisling Annacotty Football Club.
- 1.2. The stated site size is 3.17ha, including a section of Rivers Road. The stated net site area is 2.94 ha.

## 2.0 Proposed Development

- 2.1. The proposed development consists of a Large-Scale Residential Development (LRD) for the provision of a total of 107no. residential units, along with a creche. Particulars of the development comprise as follows:
  - (a) Site excavation works to facilitate the proposed development to include excavation and general site preparation works to include for demolition of existing derelict outbuilding.
  - (b) The provision of a total of 46no. 2-storey residential dwellings, consisting of 33 no. 3-bed units and 13no. 4-bed units.
  - (c) The provision of a total of 61no. apartments units consisting of a total of 2no. 1 bed units and 59no. 2bed units in 2no. apartment buildings. Apartment building no.1 comprises 23 apartments (2no. 1-bed units and 21no. 2-bed units) and Apartment building no.2 comprises 38 apartments (38no. 2-bed units). The apartment blocks are 5 storeys in height and incorporate bicycle storage and storage rooms at ground level. External storage buildings for bins to serve apartment blocks one and two are also proposed.
  - (d) Provision of a two-storey creche.

(e) Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche and apartment units.

(f) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site.

(g) Provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities.

(h) Provision of associated open space areas, residential communal open space areas to include formal play areas, along with all hard and soft landscape works for private gardens and amenity spaces, along with public lighting, planting and boundary treatments.

(i) Provision of a new vehicular entrance and associated works, along with a separate emergency vehicle access.

(j) Provision of an ESB substation.

(k) Internal site works and attenuation systems to include for a hydrocarbon and silt interceptors on the storm networks prior to discharge to the storm outfall pipes from the site, along with provision of a wastewater foul pumping station.

(l) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water and ESB networks.

**Table 2.0 Key Planning Statistics**

	<b>As Applied for</b>	<b>After Further Information Submission</b>
<b>Site Area</b>	3.17 ha	3.17 ha
<b>Net Site Area</b>	2.94 ha	2.94 ha
<b>No. of Units</b>	107	105
<b>Density (units per ha)</b>	36.4p/ha	35.7p/ha
<b>Height</b>	2-5 storey building	2-5 storey building

<b>Plot Ratio</b>	0.38	0.37
<b>Public Open Space</b>	9726 sqm (33%)	9726 sqm (33%)
<b>Communal Space</b>	6100 sqm	6100 sqm
<b>Parking Provision</b>	155 spaces	147 spaces
<b>Bicycle Provision</b>	156 spaces	151 spaces
<b>One bed units</b>	2 (1.8%)	2 (2%)
<b>Two bed units</b>	59 (55.2%)	57 (54.2%)
<b>Three bed units</b>	33 (31%)	33 (31.4%)
<b>Four bed units</b>	13 (12%)	13 (12.4%)
<b>Apartments that achieve 10% uplift above minimum floor areas</b>	19 units (31%)	20 units (34%)
<b>Dual Aspects Apartments</b>	39 units (63%)	37 units (65%)

**Table 2.1 Breakdown of Residential Units**

<b>Houses</b>		
<b>Unit Type</b>	<b>No. of Units</b>	<b>No. of units after Further Information</b>
<b>Three bed</b>	<b>33 (72%)</b>	<b>33 (72%)</b>
<b>Four bed</b>	<b>13 (28%)</b>	<b>13 (28%)</b>
<b>Total</b>	<b>46 (100%)</b>	<b>46 (100%)</b>
<b>Apartments</b>		
<b>One bed</b>	<b>2 (3%)</b>	<b>2 (4%)</b>
<b>Two Bed</b>	<b>59 (97%)</b>	<b>57 (96%)</b>
<b>Total</b>	<b>61 (100%)</b>	<b>59 (100%)</b>

The application contains the following:

- Part V Proposals
- Statement on Housing Mix
- Building Lifecycle Report
- EIA Screening statement
- Schools, Childcare & Social Infrastructure Assessment
- Architectural Drawings
- Housing Quality Assessment
- Outline Construction Management Plan
- Resource Waste Management Plan
- Design Statement
- Statement of Response
- Noise Assessment
- Engineering Services reports & drawings
- Letter of feasibility from Irish Water
- DMURS Design Audit
- Traffic & Transport Assessment and RSA
- Appropriate Assessment Screening and Natura Impact Statement
- Ecological Impact Assessment
- Archaeological Assessment
- Landscaping Proposals
- Flood Risk Assessment
- Water Framework Directive Assessment
- Daylight Analysis
- Street Lighting proposals
- Project CGIs.

### 3.0 **Planning Authority Opinion**

A Section 247 (Stage 1) pre-application consultation for this site was held on the 17th January. A Section 32C (Stage 2) LRD Meeting was held on the 21st May 2025. A letter of opinion was issued to the applicant on the 28th May 2025, requesting the applicant to submit, with any future LRD application, the following:

- Revised Acoustic Report
- Details in relation to bike parking
- Layout to be revised in accordance with Objective EH 018 (Riparian Buffer)
- Confirmation from the EPA that the stream has been diverted or culverted
- AA report process to include water quality, given the proximity of the site to the Mulkear
- Bat surveys
- Details in relation to passive and active open space
- Road details
- Lighting design in line with LCCC's specifications
- SuDS design in line with LCCC's specifications
- Landscaping and boundary details
- Updated Site-Specific Flood Risk Assessment
- Areas to be taken in charge by LCCC

A Statement of Response has been submitted as part of the application, and which responds to the items noted within the Letter of Opinion.

### 4.0 **Planning Authority Decision**

#### 4.1. **Decision**

On the 2<sup>nd</sup> October 2025, Limerick City and County Council requested the applicant to submit Further Information relating to:

- The scale, siting and materials of Apartment Block No.1 and its proximity to existing properties to the north and northwest of the site.

- The lack of a Part V agreement letter from the Council's Housing Department

On the 12<sup>th</sup> November 2025, Limerick City and County Council granted permission for the proposed development, subject to 27 no. conditions.

#### 4.1.1. Conditions

The grant of permission included the attachment of 27 no. conditions. The majority of the conditions are standard, save for the implementation of the mitigation and monitoring measures outlined in the NIS and the submission and agreement on further mitigation measures. A revised design for the bicycle storage area is also proposed for submission and agreement with the planning authority.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

The key planning issues and assessment in the first planning report dated the 1<sup>st</sup> October 2025 can be summarised as follows:

- The proposed development, in principle, is in line with the zoning of the area.
- The density of the proposed development is in line with the requirements of the development plan and the Compact Settlement Guidelines 2024.
- Proposed finish materials are outdated, especially the overuse of brick on Apartment Block 1.
- More contemporary finishes are required.
- The separation distance between proposed dwellings complies with SPPR 1 of the Compact Settlement Guidelines.
- The 3- and 4-bedroom dwellings have in excess of the private open space required in SPPR 2 of the Compact Settlement Guidelines.
- The proposed level of car parking is acceptable and complies with national and local planning policy.

- The bicycle parking provision is acceptable and complies with SPPR 4.
- As there is no requirement in the unit mix in SPPR 1 of the Apartment Guidelines 2025, the proposal is acceptable.
- All the proposed apartments meet the minimum floor area requirements as contained in SPPR2.
- 39 of the 61 apartments are dual aspect, which accounts for 63% and therefore complies with SPPR 3.
- Each apartment meets the Apartment Guidelines minimum floor areas for storage.
- All apartments meet the minimum requirements for bedroom widths and floor areas
- The amount of public amenity space equates to 31% and is therefore considered acceptable.
- The amount of communal open space for the apartments is acceptable.
- All private amenity spaces are in line with the minimum requirements. The balconies at upper levels meet the minimum depth of 1.5m.
- The height and location of Apartment Block 1 would have a negative impact on the existing residential properties to the north/northwest and should be relocated.
- The landscaping is acceptable, subject to the provision of a natural play area and seating along the linear park.
- A letter of consent is required for the removal of tree no. T165, as this is located outside the development boundary.
- A mixture of bike storage options is required in the two apartment buildings, with sufficient space for circulation in line with the Cycle Design Manual.
- The location of the proposed bin stores is considered acceptable in this instance.
- The Roads Department are satisfied with the access arrangements, subject to conditions.

- The development is predominantly located within Flood Zone C, with part of the site to the rear running along the Mulkear River within Flood Zone A.
- A preliminary Part V agreement letter has not been issued by the Housing Department.
- The proposed creche is acceptable; however, a condition should be attached requiring it to be constructed as part of Phase 1.
- Further Information relating to Apartment Block 1 and a preliminary Part V agreement is required.

The key planning issues and assessment in the second planning report dated the 7<sup>th</sup> November 2025 can be summarised as follows:

- The applicant has submitted justification for the height of the Apartment Block 1 and notes that omitting the same would result in an unacceptable density, which is not in line with the Limerick Development Plan or the Apartment Guidelines. This is accepted.
- The fifth floor of Apartment Block 1 has been set back.
- The proposed development is now considered acceptable and will not negatively impact the residential amenity of the existing adjacent properties.
- The proposed finishes are now acceptable.
- The proposed development adheres to the standards set out in the Limerick Development Plan and relevant government guidelines, contributing positively to the sustainable growth and development of the area.
- Recommend that permission be granted subject to 27no. conditions.

#### 4.2.2. Other Technical Reports

**Environment & Climate Action Department** – report received 24/09/2025

No objection, subject to conditions.

**Roads Department** – report received 24/09/2025

No objection, subject to conditions.

**Mid-West National Road Design Office** – report received 12/09/25

Notes that a Noise Assessment was carried out, given the site's proximity to the M7. Requesting that the application be referred to the TII.

**Housing Department** – report received 04/09/25

Notes that a Part V agreement has not been issued, and the applicant is to contact the Housing Department in respect of the same.

**Fire & Emergency Department** – report received 16/09/2025

Requesting the applicant to submit proposals for improved means of escape from the creche.

**Parks Department** – report received 26/09/25

Requesting further information relating to natural play area and seating.

**Active Travel** – report received 26/09/2025

Requesting further information or conditions on any grant of permission

**Council Archaeologist** – report received 01/10/25

Conditions to be attached to any grant of permission

**Council Ecologist** – report received 01/10/2025

The report states that the otter survey on the opposite bank to the east of the site using binoculars does not follow best practice. However, this land is outside the control of the applicant, making mitigation measures such as holt closure, etc., unfeasible. Conditioning construction hours to daylight hours should provide disturbance protection for otters, which are mostly nocturnal.

A revised lighting plan that takes into account the need to comply with bat-friendly lighting requirements is requested.

#### 4.3. Prescribed Bodies

**HSE** – report received 26/08/2025

No objection

**OPW** – report received 27/08/2025

Requesting a condition attached to any grant of permission for a 10m wide strip to be retained adjacent to the channel. Planning Authority should ensure that the development is acceptable from a flood risk perspective.

**TII** – report received 29/08/25

States that the Authority will entertain no future claims in respect of impacts (e.g., noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

**Uisce Eireann** – report received 05/09/25

A pre-connection enquiry has been carried out, and a confirmation of feasibility has been issued, advising that water/wastewater connections are feasible. A condition to be attached to any grant of permission.

**Department of Housing, Local Government and Heritage** – report received 11/09/25

The main comments can be summarised as follows:

- The proposals and protocol for silt fencing and/or bunding appear to differ between the CEMP and the NIS.
- Recommended that there is a clear plan for effective silt control during the construction stage to protect Qualifying Interests downstream.
- The risk to water quality from ground disturbance and the use of machinery, and the potential use of fresh concrete (if any) involved in the construction of the boundary fence, which is clearly within the riparian buffer zone and outside of the proposed silt fencing, has not been addressed.
- Important to establish whether couches or holts exist in the riparian area (and including the tributary stream) within 200m upstream or downstream of the

proposed development site (which may not have been covered in the previous site visits) and to establish the level of Otter activity in the area.

- The NIS should include as mitigation and appropriate protocol if a holt or couch is identified, which may include the need for a Regulation 54 derogation licence to be in place if there is the likelihood that they are being actively used by Otters.
- Lighting associated with the proposed development may cause disturbance to otters and Lesser Horseshoe bats.
- Proposed riverside fence will be a barrier to otters.
- Recommended that a detailed survey for breeding Kingfishers be carried out in advance of any construction works at the eastern end of the site.

#### 4.4. **Third Party Observations**

Seventeen observations were received from residents of the local area and from the Aisling Annacotty AFC.

The main points raised relate to the following:

##### Residential Amenity

- Scale and position of the five-storey apartment block.
- High-density structure would visually overwhelm and disrupt the existing residential environment.
- Disruption from construction and operational noise.
- Apartment Block 1 will cause overlooking and overshadowing of existing dwellings.
- Security concerns, revised boundary treatment required.
- The proposed development does not address a critical shortfall in community safety infrastructure.

##### Transport

- Concerns relating to the proposed entrance and to impact on existing entrances.
- A revised stage 1/2 road safety audit is required.

- Traffic Control Measures are required.
- Inadequate parking provision
- Require a revised DMURS compliance assessment with appropriate speeds.
- A Construction Traffic Management Plan (CTMP) is required.
- Increased traffic congestion.

#### Density and Scale

- Proposed apartment blocks are out of character with the surrounding residential areas.
- Density is overwhelming.
- The proposal represents overdevelopment of the site.

#### Amenities

- Development does not provide community facilities.
- Lack of school facilities in the area.
- Lack of social and physical infrastructure in the area.
- Impact on motorway noise on future residents.
- Strain on existing community facilities.

#### Ecology

- A five-storey block is too close to the river due to surface runoff.
- Proposed development will lead to flooding.
- Impact on flora and fauna.
- The environmental assessment is inadequate.

## 5.0 **Planning History**

### Appeal Site

**P.A. Reg Ref: 04/3622**

Retention permission granted on the 7<sup>th</sup> April 2025 for the raising of the level of the field by 1m. Condition no.3 required a buffer zone of approximately five meters to be maintained between the raised portion of the site and the River Mulkear.

#### Adjoining Site

#### **ABP Reg. Ref: 312559-22**

Permission granted on the 20<sup>th</sup> September 2022 for a Local Authority development for ground investigation works to inform the option selection and design of the proposed Limerick City and Environs Flood Relief Scheme.

## 6.0 **Policy Context**

### 6.1. **Development Plan**

- 6.1.1. The Limerick Development Plan 2022-2028 is the operational plan for the area. The plan came into effect on the 29th July 2022.

Variation No. 1 to the Limerick Development Plan 2022–2028 was adopted by the Elected Members on the 22nd of May 2023, comprising an amendment to Policy TR P11 Road Safety and Carrying Capacity of the non-national Road Network and Objective TR O37 Land Uses and Access Standards.

Variation No. 2 to the Limerick Development Plan 2022 – 2028 (as varied) was adopted by the Elected Members on the 30th March 2026, comprising an amendment to Objective TR O37 regarding access to substandard roads.

Site is zoned **New Residential** in the Limerick Development Plan 2022-2028 with the following objective and purpose:

**Objective:** To provide for new residential development in tandem with the provision of social and physical infrastructure.

**Purpose:** This zone is intended primarily for new high-quality housing development, including the provision of high-quality, professionally managed and purpose-built third-level student accommodation. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complementary to the

surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible).

This zone may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc.

As identified in the Land Use Zoning Matrix of the Development Plan residential use and childcare facilities are generally permitted on lands zoned New Residential.

The site is designated as a Tier 2 in the Residential Settlement Capacity Map. Serviceable Zoned Land - Lands that are not currently sufficiently serviced to support new development but have the potential to become fully serviced within the life of the plan.

#### 6.1.2. **Relevant Development Plan Policy**

##### Chapter 2 Core Strategy

Policy CS P1 Core Strategy Implementation

Policy CS P2 Compact Growth prioritises housing and employment development in locations within and contiguous to existing City and town footprints where it can be served by public transport and walking and cycling networks, to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the Core Strategy

Policy CS P7 Settlement Strategy promotes the creation of sustainable places and healthy communities, while ensuring that development occurs at an appropriate pace and that infrastructure is delivered in tandem to support this growth.

Policy CS P8 Settlement Hierarchy requires future residential development to locate at and be of a scale appropriate to, the settlement and growth levels identified in the Core Strategy.

##### Chapter 3 Spatial Strategy

CGR P1 Compact Growth and Revitalisation

CGR O3 Urban Lands and Compact Growth

## CGR 09 Building Heights

### Chapter 4 Housing

HO P1 Housing Strategy/ Housing Need Demand Assessment

HO O1 Social Inclusion

HO O2 Density of Residential Development.

HO O3 Protection of Existing Residential Amenity.

HO O5 Apartments

HO O13 Provision of Social and Affordable Housing

### Chapter 6 Environment, Heritage, Landscape and Green Infrastructure

EH P1 Protection of Natural Heritage and Biodiversity

It is a policy of the Council to:

- a) Protect and conserve Limerick's natural heritage and biodiversity, in particular, areas designated as part of the European Sites Natura 2000 network, such as Special Protection Areas (SPAs) and Special Areas of Conservations (SACs), in accordance with relevant EU Directives and national legislation and guidelines.
- b) Maintain the conservation value of all Natural Heritage Areas and proposed Natural Heritage Areas (pNHAs) for the benefit of existing and future generations.

EH P7 Environmental Noise

EH O1 Designated Sites and Habitats Directive

EH O18 Riparian Buffers

### Chapter 7 Sustainable Mobility and Transport

TR P3 Integration of Land Use and Transport Policies

TR P4 Promotion of Sustainable Patterns of Transport Use

### Chapter 8 Infrastructure

Objective IN O6 Water Services

Objective IN O8 Private Water Supply  
Objective IN O9 Public Waste Water  
Objective IN O12 Surface Water and SuDS

#### Chapter 9 Climate Action, Flood Risk and Transition to Low Carbon Economy

CAF P5 Managing Flood Risk  
Objective CAF O4 Climate Proofing  
Objective CAF O6 Energy Efficiency in New Developments  
Objective CAF O11 Nature Based Solutions  
Objective CAF O24 Minor Flood and Mitigation Works and Coastal Protection Schemes

#### Chapter 10 Sustainable Communities and Social Infrastructure

SCSI P1 Sustainable Communities  
Objective SCSI O14 Childcare Facilities

#### Chapter 11 Development Management Standard

11.2 Residential Development – Design, Principles and Standards  
11.3 Residential Development – General Requirements  
11.4 Residential Development – Quality Standards  
11.5.1 Childcare Facilities  
11.8 Transport and Infrastructure  
Table DM 9(a): Car and Bicycle Standards  
11.8.6 EV Charging Points

#### Volume 6: Building Height Strategy

TB5: Tall Building Clusters  
TB6: Assessment of Tall Buildings  
TB7: Assessment Criteria for Tall Buildings

BH 1: The Critical role that increasing prevailing building heights has to play in addressing the delivery of more compact urban growth

BH 3: Protect the unique intrinsic character and scale of Limerick City, and its skyline in the delivery of increased building heights.

BH 5: Assess all high building proposals under the Development Management Guidance and in accordance with the detailed Area Objectives set out in the Building Height Strategy.

## 6.2. National Policies

Project Ireland 2040, National Planning Framework, First Revision, 2025

- 6.2.1. Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within Limerick City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Limerick and suburbs, NPO 11, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable modes of transport and water management systems, whilst protecting local biodiversity and the environment.

Climate Action Plan, 2025 (as informed by CAP 2024)

- 6.2.2. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings, and it should be read in conjunction with Climate Action Plan 2024.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homelessness.

- 6.2.3. Delivering Homes, Building Communities is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

**Pillar 1** focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges, particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

**Pillar 2** details how the Government will support people. It sets out a series of key actions that work towards ending homelessness, supporting affordability, and addressing the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of villages, towns and cities across the country.

National Biodiversity Plan 2023-2030

- 6.2.4. Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Relevant to the proposed development are the targets and actions associated with Objective 2, which address the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the Plan in the performance of its functions.

**6.3. Section 28 Ministerial Guidelines**

The following Section 28 - Ministerial Guidelines are considered relevant to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Spatial Planning and National Roads Guidelines 2012.

#### 6.4. Regional Policies

##### Regional Spatial and Economic Strategy for the Southern Region, 2020

- 6.4.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering the Limerick Shannon Metropolitan Area, within which the appeal site is located.

A number of regional policy objectives are applicable to the proposed development, including:

##### Limerick Shannon MASP Policy Objective 1

a. It is an objective to strengthen the role of the Limerick Shannon Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

b. It is an objective to promote the Limerick Shannon Metropolitan Area as a cohesive metropolitan area with (i) the city centre as the primary location at the heart of the metropolitan area and Region (ii) compact growth and regeneration of Limerick city centre and suburbs, (iii) compact growth and regeneration of Shannon

(iv) active land management initiatives to deliver housing and employment locations in a sustainable, infrastructure led manner.

c. It is an objective to seek coordinated investment and delivery of holistic infrastructure packages across State Departments and infrastructure delivery agencies as they apply to the Limerick Shannon Metropolitan Area and seek further investments to deliver on the Metropolitan Area Goals.

d. Any reference to support for all plans, projects, activities and development in the MASP should be considered to refer to 'sustainable development' that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints), environmental assessment including EclA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate.

e. The MASP seeks to protect, manage and, through enhanced ecological connectivity, to improve the coherence of the Natura 2000 Network in the Region.

#### Limerick Shannon MASP Policy Objective 2

##### Limerick City

The Limerick Shannon MASP recognises that, for the Limerick Shannon Metropolitan Area and the Mid-West SPA to prosper and develop sustainably, a strong Limerick City is paramount. It is an objective to:

a. Support the regeneration and continued investment into Limerick City through initiatives such as Limerick 2030 and Limerick Regeneration, and to further enhance Limerick City as a primary economic driver for the Southern Region.

b. Enhance the city centre as the primary commercial area, supporting a range of retail, tourism, social and cultural activities.

c. Strengthen the consolidation and regeneration of Limerick City Centre to drive its role as a vibrant living, retailing and working city, the economic, social and cultural heart of the Limerick Shannon Metropolitan Area and Region.

d. Seek investment to achieve brownfield regeneration of city centre sites as high-quality, mixed-use, sustainable and transformative projects which set national and international good practice standards in innovation, quality design, exemplary urbanism and placemaking.

e. Support collaboration between Limerick City and County Council and the Land Development Agency to masterplan and sustainably develop strategic city centre and Dockland sites in Limerick City, utilising the appropriate planning mechanisms and subject to required environmental assessments.

f. Seek investment to achieve regeneration and consolidation in the city suburbs.

## 6.5. Natural Heritage Designations

The site adjoins the Lower River Shannon Special Area of Conservation. (Site code 002165).

The site is approximately 8.4km from the Slievefelim to Silvermines Mountains Special Protection Area. (Site code 004165).

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Three appeals have been received. These have been received from local residents. The main points of appeal can be summarised as follows:

#### **Principle of Development.**

- No objection in principle to the site being developed for housing.

#### **Apartment Block 1**

- Apartment Block 1, which is 5 storeys, would cause overlooking, overshadowing, loss of light and loss of privacy to their properties.
- The planner's report highlights that the 5-storey apartment block at this location would represent an incongruous form of development that fails to provide a sensitive transition.
- It will impact negatively on the adjoining existing low single-storey bungalows.
- Apartment Block B at 5-storeys is out of character with the area.
- Block 1 is located at the west of the site and not to the rear of the site as recommended by the 'Urban Design Statement'.

- The Further Information Request highlights concern regarding the location of Block 1 in close proximity to existing residential properties.
- The redesign, including a setback of the 5th floor, does not improve the situation.
- Recommend that Block 1 be replaced with a two-storey dwelling, or that Block 1 be reduced to three storeys, or that the entire development be rejected.
- Request that apartment block No.1 be omitted and potentially replace with regular dwellings.

### **Boundary**

- Request that a 3m stone or plastered boundary wall be constructed along the boundary with their property, which is directly to the north of the site.

## **7.2. Applicant Response**

The main points of the applicant's response dated 23<sup>rd</sup> December 2025 can be summarised as follows:

- The issues raised in the appeal have been either addressed in the planning application and/or the assessment of the Planning Authority.
- The proposal aligns with the proper planning of the area to deliver homes and a creche on zoned lands as per the development plan objectives, which deem the lands appropriate for residential development.
- The site was redesigned to provide a 20m riparian buffer as required under Objective EH O18 of the LDP. This reduced the available land for development.
- To omit Apartment Block 1 would result in an unacceptable low density, which would be below 35 dwellings per hectare.
- The submitted CGIs demonstrate that the revised apartment block is appropriate to its context and environs.
- The updated Daylight, Sunlight and Shadow Assessment highlight that the neighbouring properties are not impacted by the Apartment Block 1, neither in terms of shadow, daylight or sunlight.

- Given the generous separation distances, building arrangement and intervening hedgerow, no issues of overlooking, loss of amenity or loss of daylight or sunlight will arise for the appellants' dwellings.
- The proposal is appropriate in its context as it represents the most pragmatic solution for the site, respecting existing residential amenity and achieving the wider planning objectives for zoned lands.

### **7.3. Planning Authority Response**

In a letter dated the 17<sup>th</sup> December 2025, the Planning Authority states that it has no further comments to make beyond those in the Planner's Report.

### **7.4. Observations**

An observation has been received from the Office of Public Works. The main points raised can be summarised as follows:

- Comments relate to the OPW statutory duty to maintain Channel C1 of the Mulkear Ballymackeogh Scheme.
- Recommend that conditions be attached to ensure maintenance of the channel, including the retention of a 10-meter-wide strip to ensure access.
- The flood risk should be adequately assessed, and adequate protection against flooding should be in place.
- It should be ensured that the proposed development will not increase the risk of flooding upstream or downstream.

### **7.5. Further Response**

None

### **7.6. Further Information Request**

The applicant was requested to provide the following further information on 16<sup>th</sup> March 2026:

1. To clarify the geographical extent of the otter survey included in the Ecological Impact Assessment and the Natural Impact Statement, and to clarify if any otter holts, including active breeding holts, are present within c.150m of the proposed development site.
2. To clarify if the construction of the proposed development will result in the removal of otters from holts, and the subsequent destruction of these holts, or is likely to cause disturbance to active breeding holts (when present within c.150m of the proposed development).
3. To provide, if required, a Section 25 derogation under the 1997 Habitats Regulations for the removal of otters from holts, and the subsequent destruction of these holts, or if the proposed development is likely to cause disturbance to active breeding holts.

#### **7.7. Further Information Reply**

The applicant submitted further information on the 2<sup>nd</sup> April 2026. The main points of further information can be summarised as follows:

- The otter survey was carried out along the northern boundary stream and the River Mulkear.
- No signs of trails in the vegetation were observed, and no signs of foraging were recorded.
- The culvert at the road (west of the site) is impassable, with no sign of otters or any other mammals passing through the vegetation.
- Access to the stream west of the road was restricted. The stream was dry with no signs of prints.
- The Mulkear riverbank was walked from south of the motorway underpass to north of the northern boundary stream. A heavily used footpath is present in this area, indicating frequent disturbance.
- Not all parts of the riverbank at water level were accessible; however, no sign of otters was observed.

- At the time of the survey, no evidence of otters or their holts was recorded within the survey area.
- The proposed development includes a 20m riparian buffer zone around all watercourses, where no development will occur.
- No works are planned within 20 meters of the Mulkear riverbank.
- The absence of evidence of Otter at the time of the survey indicates that Otters and their holts cannot be disturbed.
- No derogation licence is required at the time of application.

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Height and Layout
- Boundary Treatment
- Flooding
- Material Contravention

Note: At the further information stage, two apartments on the fifth floor of Block No.1 were omitted. I will therefore assess the revised scheme submitted as further information to the planning authority.

## 8.2. **Principle of Development**

### Zoning

8.2.1. In the Limerick Development Plan 2022-2028 (LDP) the site is zoned 'New Residential'. The objective of this zoning is 'to provide for new residential development in tandem with the provision of social and physical infrastructure.' Residential and childcare uses are generally permitted in this zoning.

- 8.2.2. Table 2.7 of the LDP Core Strategy highlights that Annacotty has an additional household forecast 2022-2028 of 235. The submitted Planning Report states that in relation to Annacotty, the applicant analysis finds that no units have been delivered since the Core Strategy was adopted in July 2022. Having carried out a planning search, I consider this to be the case.
- 8.2.3. In Map 1: *Limerick City and Suburbs (in Limerick), Mungret and Annacotty Residential Settlement Capacity Map*, contained in Volume 2, the subject site has been designated as Tier 2. The Development Plan states that sites requiring minor infrastructure works (extension of a footpath for example) have been identified as Tier 2 (Serviceable) in accordance with the NPF. Tier 2 designations highlight potential infrastructure issues or constraints that must be addressed before land is developed for residential use. Table 1 of Volume 2 indicates that lighting, footpaths, road access, water and foul drainage are available at the site and that it is within 1.5 km of public transport and schools. It also highlights the need for a Noise Impact Assessment for the subject site. The issue of noise is discussed in Section 8.2.33 of this report, where I am satisfied that, given the layout of the development, there will not be a significant negative traffic noise impact from the M7 on the future occupants of the development. I therefore consider that the potential infrastructural issue or constraint, as detailed for this site in Table 1 of Volume 2, has been adequately addressed and can be overcome, rendering the site, in principle, suitable for residential development.
- 8.2.4. I note that Table 1 states the site is not at risk of flooding; however, part of it lies within Flood Zone A. The issue of flood risk is discussed in Section 8.5 of this report.
- 8.2.5. I am satisfied, subject to an assessment of noise abatement measures as highlighted as a constraint to the development of the site within the lifetime of the Development Plan, that the proposed development, in principle, complies with the LDP zoning objectives.

#### Density

- 8.2.6. The net area of the site is 2.94ha, and 107 residential units were originally proposed. The density of the development was therefore 36.4dph. As stated above, a revised scheme was submitted as further information. This scheme is for 105 residential units and has a density of 35.7 units per hectare. In the LDP Map 2.2 *Limerick City*

*and Suburbs (in Limerick), Mungret and Annacotty Density Zones*, the site is included in Density Zone 3: Suburban Edge. In this area, the development plan requires a minimum net density of 35+ dwelling units per hectare at sites in suburban development areas that do not meet the proximity or accessibility criteria of the Intermediate Urban Locations. While the site is located approximately 180m from the proposed Bus Connects network. The proposed bus service will operate at a 20-minute frequency through Annacotty village along route no. 4A. I note that the judicial process for the Limerick Bus Connects network is currently ongoing. For Intermediate Urban Locations, the development requires that a site have 400m of reasonably frequent (minimum 15-minute peak-hour frequency) urban bus services. The site does not meet the proximity or accessibility criteria for Intermediate Urban Locations; therefore, a density of 35+ is required. The revised scheme submitted as further information has a density of 35.7dph, which complies with the development plan density requirement.

In the Sustainable Development and Compact Settlements Guidelines for Planning Authorities, 2024, the site can be classified as a Suburban/Urban Extension, where residential densities of 35 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations in Limerick. At 35.7 dph, following further information, the proposed development's density falls within the Compact Settlements Guidelines 2024 density range. While I note that the figure is at the lower end of the range, the site does not meet the proximity or accessibility criteria set out in Table 3.8 of the Guidelines. I therefore consider the site to be in a peripheral location, and a density at the lower end of the range is acceptable.

- 8.2.7. In conclusion, I am satisfied that, in principle, the proposed scheme with a density of 35.7 dph, would comply with the policy context set at national, regional and local levels for future growth in Limerick, and would not result in any significant undue impact on the receiving environment and that no material contravention arises.

#### Proposed Residential Amenity

- 8.2.8. The proposed development contains two blocks of apartments: Block 1, containing 21 apartments (after further information) and Block 2, containing 38 apartments. 46 own-door houses are proposed.
- 8.2.9. I have assessed the proposed apartments against the requirements of the Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities (2025). All the proposed apartments meet the minimum floor area standards, and 34% exceed the minimum standards by 10% or more. 65% of the apartments are dual aspect, and the floor-to-ceiling height of the ground-floor units is 2.7m. Room sizes and storage areas within the apartments comply with the Guidelines' minimum standards.
- 8.2.10. The private open space per apartment meets the required standards, and the proposed communal space is in excess of the minimum standards required in the Guidelines. Bulk storage areas are provided on the ground floor of the two apartment blocks.
- 8.2.11. I am satisfied that the proposed apartments comply with the Design Standards for New Apartments and the Guidelines for Planning Authorities (2025), and that the proposed apartments will provide an adequate level of residential amenity for future occupants.
- 8.2.12. I have assessed the proposed own-door dwelling units. All units meet the minimum floor area standards set out in the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- 8.2.13. Table DM3 3: *Rear Garden Area* of the LDP requires a minimum rear garden area of 60–75 sqm for 3–5-bedroom houses. I note that 19 of the 46 houses (41%) have less than 60 sqm, with 14 of these units having a reduction of more than 10%, and 7 of the units have a reduction of more than 15% of the minimum 60sqm provision. Section 11.3.7 of the LDP requires that any deviation from the above standards be accompanied by a written statement justifying the deviation and include mitigation/compensatory design features to ensure amenity is not compromised. The submitted planning report states that all private amenity spaces comply with the minimum standards for dwellings. The report refers to the Housing Quality Assessment for conciseness and highlights the provisions of SPPR2 of the Compact Settlement Guidelines, which it states takes precedence over the conflicting standard

in the Limerick CDP for private amenity spaces. In particular, section 2.1.2 of the guidelines is highlighted.

- 8.2.14. I do not consider that a justification for the deviation or compensation measure has been provided, and therefore I consider that the private open space provision for the own-door dwellings is a material contravention of the LCD 2022-2028.
- 8.2.15. Under Section 34 of the Act, the Specific Planning Policy Requirements (SPPR) set out in the Compact Settlement guidelines must be applied to the proposed development. SPPR 2 requires that proposals for new houses meet minimum private open space standards. For three-bedroom units, a minimum of 40 sqm is required; for four-bedroom houses, 50 sqm is required. All proposed units meet or exceed the minimum area requirements.
- 8.2.16. I acknowledge that the proposed scheme does not meet the quantitative standard for private open space as set out in the LDP (Section 11.3.7); however, the provision of private open space for the houses complies with the standards of SPPR2 of the Compact Settlement. I consider that adequate private open space has been provided to ensure residential amenity for the proposed occupants. Therefore, I consider it reasonable in this instance to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).
- 8.2.17. Section 11.3.7 of the LDP requires that the rear garden have a minimum length of 11m (22m back-to-back) to protect privacy and sunlight and to avoid undue overlooking. The Planning Statement states that all opposing units have a separation distance of greater than 22m. The site layout plan (Dwg. No.101) contradicts this, as the opposing units have a separation distance of 17.750m and rear garden lengths of less than 11m. I note that Section 11.3.7 also states that reductions will be considered for single-storey developments and/or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting, and sunlight can be achieved. While I consider that adequate levels of privacy, natural lighting, and sunlight can be achieved, I do not consider the proposed development to be an innovative scheme that warrants a reduction in the separation distances between dwellings. I therefore consider that the rear garden lengths of the proposed development constitute a material contravention of the LCD 2022-2028.

- 8.2.18. SPPR 1 of the Compact Settlement Guidelines requires that a separation distance of at least 16 metres be maintained between opposing windows serving habitable rooms at the rear or side of houses, above ground floor level. The proposed development complies with SPPR 1, as all opposing windows serving habitable rooms at the rear or side of houses, above ground floor level, have a separation distance of over 16 m.
- 8.2.19. I consider that the proposed scheme does not meet the quantitative standards for rear garden length as set out in the LDP (Section 11.3.7). I acknowledge that, in this regard, the proposed development would be a material contravention of the LDP. As stated above, the provision of separation distances for the houses complies with the standards of SPPR2 of the Compact Settlement. I also consider that an adequate separation distance between units, and therefore the rear garden length, has been provided to ensure residential amenity for the proposed occupants. I consider, therefore, in this instance, it is reasonable to recommend that the Commission invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).
- 8.2.20. Section 11.4.2 of the LDP requires a minimum 3m separation distance to the side of dwellings for the full length of detached, semi-detached or end-of-terrace dwellings, equally divided between the two adjacent dwellings. The proposed development provides only a 2.5m separation distance. While I consider this a contravention of the LDP, I do not consider it material. I consider the difference between the LDP plan standards and the proposed separation distance is not material and de minimis. I consider the separation distances proposed are adequate to ensure access to the rear garden and for maintenance. Given the need to protect the 20m riparian corridor and to provide a level of site density that contributes to compact growth, I consider the proposed side separation distances between side gables and side boundaries, which are not significant below the development plan standard, to be acceptable.

#### Public Open Space.

- 8.2.21. Section 11.3.6 of the LDP requires, in accordance with the 2009 Sustainable Residential Guidelines and any subsequent guidelines, that at least 15% of the gross greenfield sites should be provided as multi-functional open space in new residential

developments, easily accessible to all. I note that in the Compact Settlement Guidelines, which supersede the 2009 Sustainable Residential Guidelines, Policy and Objective 5.1 states that the requirement in the development plan shall be for public open space provision of not less than 10% of net site area and not more than 15% of net site area, save in exceptional circumstances.

8.2.22. The proposed development provides that 33% of the site area will be dedicated as public open space. This includes passive and active recreational spaces, children's play areas and the riparian corridor. I am satisfied that the public open space will receive adequate passive surveillance

8.2.23. In conclusion, I am satisfied that an adequate provision of public open space is proposed. An acceptable variety of open spaces is proposed. I therefore consider that the proposed public open space will provide future residents with adequate amenities and will enhance the amenities of the wider area.

#### Transport and Movement

8.2.24. The development proposes 81 car parking spaces to serve the 46 dwellings, and 66 spaces to serve the 61 apartments, the creche and visitors. The site is in Density Zone 3, as detailed in Section 8.2.6 of this report. For this zone, the maximum car parking provision for a 3-bedroom+ dwelling unit is 2 spaces. As all the houses are 3- and 4-bedroom, the provision of 81 spaces complies with the maximum standards.

8.2.25. The maximum car parking standard for 1-2-bedroom apartments is 1 space. The maximum standard for visitor parking for apartments is 1 space per 3 units. For a creche, the maximum standard is 1 space per 40 sqm + set-down. The maximum car parking standard for the apartments is 61 spaces, with 20 for visitors and 6 for the creche ( $232 \text{ sqm} / 40 \text{ sqm} = 6 \text{ spaces}$ ), giving a maximum total of 87 spaces. The development proposes 66 spaces for 61no. 1- and 2-bed apartments, a 232 sqm creche, and parking for visitors to the apartments. I consider that the proposed parking is adequate to serve the development in this location, and that, as the maximum standards have not been exceeded, the proposed development complies with the LDP in this regard.

8.2.26. The site is in a peripheral location, as defined in Table 3.8 of the Compact Settlement Guidelines. The maximum car parking provision for such an area in

SPPR 3 of the Guidelines is two spaces per dwelling. As the proposed development does not exceed these standards, it complies with the Compact Settlement Guidelines in this regard.

8.2.27. The proposed development provides 156 bicycle spaces for apartments, visitors, and the creche. These exceed the LDP standards and comply with SPPR 4 of the Compact Settlement Guidelines. All the houses have rear gardens, and the terrace units have covered bicycle parking spaces to the front. I am satisfied that adequate bicycle parking has been proposed.

8.2.28. The main access to the proposed development is from Rivers Road. An emergency entrance is also proposed directly to the south of the creche. A Traffic and Transport Assessment (TTA) has been submitted. The following junctions were assessed:

- The existing 4-arm Rivers Rd / Newtown Road roundabout
- The existing 3-arm Walkers Road / Rivers Rd roundabout
- The existing Rivers Rd / Rosskeen priority junction
- The proposed Development Access / Rivers Rd priority junction.

8.2.29. The TTA concluded that at present, the existing Rivers Rd / Newtown Road roundabout is operating within capacity with minimal queues and delays during the AM and PM peak period and in 2028, 2033 and 2043 with an increase in background flows and the proposed residential development operational the existing roundabout will operate within capacity with small queues and delays during the AM and PM peak period. The existing Walkers Road / Rivers Rd roundabout is also operating within capacity with minimal queues and delays during the AM and PM peak periods. In 2028, 2033, and 2043, with an increase in background flows and the proposed residential development operational, the existing Walkers Road/Rivers Rd roundabout will operate within capacity with small queues and delays during the AM and PM peak period. At present, the existing Rivers Rd / Rosskeen priority junction is operating within capacity with minimal queues and delays during the AM and PM peak periods. Again in 2028, 2033 and 2043, with an increase in background flows and the proposed residential development operational, the existing Rivers Rd / Rosskeen priority junction will operate within capacity with small queues and delays during the AM and PM peak period. The TTA states that in 2028, 2033, and 2043,

proposed residential access will operate within capacity, with no queues and minimal delays during the AM and PM peak periods.

- 8.2.30. I note that the Road Department of the planning authority raised no issues and recommended a grant of permission subject to conditions.
- 8.2.31. I have assessed the submitted TTA and consider it to be reasonable. It has been adequately demonstrated that the existing junctions are operating within capacity, and with traffic from the proposed development, will remain within capacity. I am also satisfied that the proposed entrance to the development will not cause significant queues or delays during the AM and PM peak periods.
- 8.2.32. I have had regard to the observations on the planning application and acknowledge their concerns in relation to parking provision and to the impact the proposed development will have on Rivers Road. After assessing the information on file, including the TTA, I consider that the proposed development provides adequate parking for vehicles and bicycles. I am also satisfied, based on the information available, that the proposed development would generate a scale of traffic that can be assimilated into the local road network without adverse impacts.

#### Noise

- 8.2.33. Given the proximity of the M7 motorway and the Development Plan requirement, a Noise Impact Assessment has been submitted with the application. The report details the results of a survey of existing traffic noise levels and notes that the results are in line with the EPA round 4 noise maps. The proposed levels categorise the site as Medium Risk, and as such an Acoustic Design Strategy is required. The guidance contained in ProPG: Planning & Noise 2017 does not preclude residential development on sites identified as having medium noise risk. It notes that a more considered approach will be required to ensure that developments on higher-risk sites are suitably designed to mitigate noise levels.
- 8.2.34. During the design process, the layout of the proposed development has been amended to consider the noise emanating from the M7 Motorway. The report concludes that site has been identified as having a range of noise levels associate with a 'Low Risk' of noise impacts.

- 8.2.35. The report recommends appropriate façade specification while recognising that the specification may be reviewed and optimised during the detailed design stage, provided that the internal criteria outlined in BS8223 are maintained.
- 8.2.36. The report predicts that across the site, noise levels in external amenity areas will fall within the recommended noise level threshold of 50 to 55 dB LAeq,16hr for daytime periods, and will be well below the undesirably high noise level threshold set out in the County Limerick Noise Action Plan 2024 – 2028 (NAP). The report considers that the design of the proposed development has been developed to achieve the lowest practical noise levels in external amenity spaces.
- 8.2.37. I note that the Environment and Climate Action Department of the Planning Authority has reviewed the Noise Impact Assessment and considers the report satisfactory and recommends that a condition be attached requiring the implementation of the mitigation measures proposed in the Noise Impact Assessment. If the Commission is minded to grant permission, I recommend that a condition be attached requiring the implementation of the Noise Impact Assessment mitigation measures.
- 8.2.38. Having regard to the Noise Impact Assessment and the assessment of the Planning Authority, I am satisfied that, given the layout of the development, there will not be a significant negative traffic noise impact from the M7 on the future occupants of the development.

### 8.3. Height and Layout.

- 8.3.1. The main points of appeal relate to the scale and height of the apartments, especially Block 1 and its proximity to the single-storey dwellings to the north of the site.
- 8.3.2. Block 1 is five storeys, with a height of 17m (including the lift shaft). At its closest point, the apartment block is 23.765m from the boundary of the nearest dwelling site. The apartment block is 47.187m from the actual single-storey dwelling and 50.314m from the single-storey dwelling further to the north (Brooklawn).
- 8.3.3. I note that as part of a further information request, the planning authority stated that *‘there are significant concerns in relation to the scale and siting of Apartment Block 1 and its location in close proximity to the existing properties to the north and*

*northwest of the site*'. Concern was also raised that the proposed finish material of the Apartment Block 1 would create a visual disconnect from the surrounding low rise residential building.

- 8.3.4. In response, the applicant submitted a revised design for Apartment Block 1, with the 5th floor set back. The proposed finishes also included plaster to break up the use of brick and reduce the visual impact of the block. Taking into account the proposed changes, the submitted sunlight/daylight analysis (discussed below), and the reduced development area resulting from the 20m riparian buffer, the planning authority considered Apartment Block 1 acceptable and concluded that it would not negatively impact the residential amenity of the existing adjacent properties.
- 8.3.5. A Daylight and Sunlight Assessment of the proposed development has been submitted with the application. This was revised to assess the revised scheme submitted as further information. The report assesses the impact the proposed development will have on the daylight and sunlight on the neighbouring properties.
- 8.3.6. The assessment indicated that the proposed development is more than three times its own height away from any surrounding properties, and that there will be no noticeable reduction in daylight or sunlight for the dwellings or amenity spaces of the surrounding properties.
- 8.3.7. The BRE guidelines BR209:2022 (third edition) recommend that the loss of light to existing windows need not be assessed if the distance from each part of the new development to the existing window is three or more times the height of the window above the centre of the existing window. I am satisfied that the distances from apartment Block 1 to the nearest windows of adjoining properties are more than three times its height, and therefore, an assessment of the impact of the proposed development on the daylight and sunlight of the existing dwellings is not necessary. Given the distance from the proposed development to the existing properties along Rivers Road, I do not consider there will be a significant loss of amenity to the existing properties due to reduced daylight and sunlight.
- 8.3.8. Shadow diagrams have been submitted as part of the Daylight and Sunlight Assessment. The diagrams show that the proposed development will not create significant overshadowing of the private amenity areas of the adjoining dwellings.

- 8.3.9. Given the distance between the proposed Apartment Block 1 and the neighbouring properties, I do not consider that the proposed development will be seriously injurious to residential amenity as a result of overshadowing.
- 8.3.10. The appellants consider that the proposed Apartment Block 1 will overlook their property. As stated above, at its closest point, the apartment block is 23.765m from the boundary of the nearest dwelling site. The apartment block is 47.187m from the nearest dwelling.
- 8.3.11. As stated above, I consider that the residential amenity of the existing dwelling will not be significantly reduced by loss of sunlight and daylight. With regard to overlooking, I recognise that a five-storey apartment block on what is currently an open green-field site will represent a significant change in the outlook for the existing residents. Given the distances to the nearest windows and to the rear boundaries of the adjoining property, I do not consider that there will be significant overlooking of the existing property. I consider, in this regard, that the proposed development complies with section 11.4.2.1 *Separation Distances between Residential Units* of the LDP. I therefore do not consider that the proposed development will be seriously harmful to the residential amenity of the adjoining properties due to overlooking.
- 8.3.12. Section 3.4.2.5 of the LDP sets out objectives for Urban Character Areas. The site is within the UCA O3 Castletroy/Plassey/Annacotty. Table 3.2: Urban Character and Objectives list specific objectives for the area. With regard to building heights, it states:
- 'Building Height Strategy to inform design of higher buildings, in particular:*
- Any proposed buildings of height must be balanced with the need to maintain the status of the University rather than the creation of a high building cluster.*
  - A modest increase in building height at important intersections/nodes and street corners may be required to enhance legibility and sense of place.'*
- 8.3.13. I do not consider the proposed 2 no. five-storey blocks in this area will create a high-density building cluster, which would diminish the University's status.
- 8.3.14. The Building Height Strategy defines building height in relation to the surrounding context. The area surrounding the site is predominantly low-rise, 1-3 storeys, and substantially residential in character. I note that several planning permissions have

been granted for heights of up to 6-storeys in the Newtown residential development in Castletroy (P.A. ref:19/547, 18/1104, 20/256). This development is on Castletroy College Road, a distributor road. To date, only 4-storey apartments have been built in this site.

8.3.15. Section 6 - *Building Height - Policies and Guidance* states that the Outer City Area is generally not considered an appropriate location for taller buildings. However, Section 6 also states that taller buildings may, on a case-by-case basis, be appropriate at designated District Centres and at recognised 'Gateways' as significant urban places.

8.3.16. As the proposed apartment block is taller than the surrounding context, I consider it appropriate to assess the development against Policy TB7 of the Building Height Strategy, which sets out assessment criteria for tall buildings. I have assessed the proposed development in Table 8.1 below:

**Table 8.1 Assessment Criteria for Tall Buildings**

Assessment Criteria	Assessment
Site Context	The surrounding area is predominantly low-rise 1-3 storeys and substantially residential in character. The east of the site is bounded by the Mulker River and to the north by a tributary of this river. The M7 is in close proximity to the site (c. 100m south).
Architectural Quality	The design of the apartment blocks, as amended after further information, will provide buildings that address the surrounding context and are appropriately located within the proposed development. The revised design and finishes of Block 1 ensure it will not appear overbearing when viewed from the existing properties and will not be seriously harmful to the area's visual amenity. Block 2 will provide an acceptable intervention to this area in close proximity to the M7 motorway.
Impact on Local Environment	The impact of the Apartment Block 1 on existing dwellings with regard to overlooking and overshadowing has been assessed above

	(Section 8.3.8 and 10). I consider that the proposed development will not be seriously injurious to the residential amenity of the adjoining existing properties. The proposed creche and riparian landscape corridor along the river and its tributary will enhance the area's quality and amenity.
Facilitation of Sustainable Modes of Transport.	The site is adjacent to a bus stop along the Rivers Road and is 180m from the proposed Bus Connects network. There are footpaths to the Newtown Neighbourhood Centre and Annacotty Village. Adequate bicycle parking and EV charging spaces have been proposed.
Impact on Surrounding Context	The site is currently a greenfield site; the proposed development, while not linking with another development or creating through routes, will provide new accessibility to the banks of the River Mulkear and its tributary. The landscaped linear corridor and the creche's location will improve the streetscape along this section of Rivers Road. The two-storey creche will complement the existing properties along the Rivers Road
Contribution to Wayfinding	Apartment Block 2 will serve as a locational marker for the entrance to Limerick's urban area when travelling west along the M7.
Sustainability and Environmental Performance	The Building Lifecycle Report provides a series of measures to reduce energy use, carbon emissions, and waste during the operational phase. The use of SuDS measures will reduce surface runoff.
Contribution to Public Spaces	The proposed 9726sqm of public open space, which consists of a landscape riparian corridor along the River Mulkear and its tributary, will contribute to the quality, amenity and accessibility of the area.

Quality of the Built Environment	As discussed in section 8.2.8, the proposed development will provide an acceptable level of amenity for future occupants.
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Conclusion: Height and Layout.

8.3.17. Having assessed the proposed development against the LDP Assessment Criteria for Tall Buildings and having considered its impact on the residential amenity of the adjoining properties, specifically the impact arising from Apartment Block 1, I consider that the proposed development will not be seriously harmful to the residential amenity of the existing properties with regard to overlooking, overshadowing and overbearing. I consider that the proposed apartment blocks' heights will not be detrimental to the area's character. The proposed development will be a positive addition to the area's built environment and existing amenities while providing compact growth.

**8.4. Boundary Treatment**

8.4.1. One of the appellants, who lives in the dwelling directly to the north of the application site, requests that a boundary wall be constructed along the boundary of her property. The suggested wall should be at least 3m and finished in either natural stone or plastered to a high standard.

8.4.2. I note that there is dense vegetation and two high-quality trees along the boundary with this adjoining property. The tributary stream also lies along and appears to be outside the site boundary. Given that the required riparian buffer zone is included in the proposed development along this boundary, I consider that the creation of a 3m boundary wall along the appellant's boundary would be injurious to the character of the area and contrary to the LDP Objective EH O18, which states that it is an objective of the Council to maintain riverbank vegetation along watercourses, ensure the protection of a 20m riparian buffer zone on green-field sites, and ensure that sites are maintained free from development.

Conclusion: Boundary Treatment

8.4.3. In conclusion, I consider that a 3m high boundary wall in this location would be contrary to LDP Objective EH O18, as it would not maintain the riverside vegetation and maintain the buffer zone free for development. I therefore consider that a

boundary wall in this location would be contrary to the proper planning and development of the area.

## 8.5. Flooding.

- 8.5.1. In their submission, the Office of Public Works recommends that flood risk be adequately assessed and that adequate protection against flooding be in place. They also recommend that the proposed development will not increase the risk of flooding upstream or downstream. I note that CFRAM maps indicate that part of the site to the rear and adjoining the point where the tributary stream meets the Mulkear River is in Flood Zones A and B. No residential units are proposed in the Flood Zones A and B.
- 8.5.2. A Flood Risk Assessment (FRA) has been submitted with the application. The report states that the primary source of flood risk to the development is overtopping of the tributary stream at the Rivers Road culvert, which is undersized and subject to partial blockage. Under pre-development baseline conditions, Rivers Road floods, and water enters the site at the access point, placing the site entrance in Flood Zone A. Most of the development site, including the residential units and the crèche, falls within Flood Zone 'C'. The FRA notes that the tributary stream was previously unmodelled and not included in the Shannon CFRAM Study.
- 8.5.3. The assessment of the post-development scenario indicates that flood risk does not increase as a result of the development; it decreases slightly because flow from Rivers Road is conveyed back into the channel more efficiently.
- 8.5.4. The FRA states that the post-development Flood Zones provide a net reduction in flood extent and depth on Rivers Road and on the adjacent residential property immediately to the north of the site. The analysis indicates that the development does not adversely affect flooding in the surrounding area and has a positive effect on flood depth and extent.
- 8.5.5. The assessment of freeboard in the FRA is based on the 0.1% AEP (1-in-1000-year) event. The report states that the proposed FFL for the creche is 19.20 mAOD, providing a clearance of 590 mm above maximum water levels under the 0.1% AEP event and 670 mm above maximum water levels under the Mid-Range Future Scenario (MRFS). Apartment Block No. 1 has a proposed FFL of 18.00 mAOD, with maximum water levels reaching 16.36 mAOD within the channel, leaving a minimum

clearance of 1.64 m. The FFL of residential units 27 and 28 is 16.975 and 16.75 mAOD, respectively, leaving a minimum freeboard of 1.89 m. The group of residential units (65-78) within the development has a minimum FFL of 17.5 mAOD, with some units at 17.80 mAOD, and maximum water levels at reporting point D of 14.82 mAOD. The units have a minimum freeboard of 2.68 m. The proposed apartment blocks located adjacent to the Mulkear have FFLs ranging from 15.15 to 15.60, with maximum water levels reaching 10.31. I am satisfied that adequate freeboard is proposed and that the flood risk to the proposed residential units can be managed to an acceptable level.

8.5.6. The proposed entrance from Rivers Road is located at the north-western corner of the site. As stated above, the FRA indicates that the pre-development model results predict that this entrance and the adjacent section of Rivers Road are in Flood Zone A, consistent with the baseline scenario. In a flood event, the water depth at the entrance will remain below 0.3 m. As a result of this access risk, an emergency access road with drop-down bollards is proposed to the south of the creche. This entrance is in a Flood Zone C area. I consider this to be an acceptable solution to ensure safe ingress and egress to the site.

8.5.7. Justification Test

As part of the site lies within Flood Zones A and B, and the proposed residential and childcare uses are classified as highly vulnerable, the FRA has carried out a Justification Test to comply with flood risk management guidelines.

*Justification Test: Part 1*

The site is zoned for residential development under the LDP 2022-2028, which was adopted in accordance with the Planning and System and Flood Risk Management Guidelines (DoEHLG & OPW, 2029). The FRA states that the Strategic Flood Risk Assessment (SFRA) for the Development Plan has been considered, and its guidance has been followed in defining appropriate flood mitigation measures for the site.

The SFRA states that Finished Floor Levels (FFLs) for residential developments in areas covered by the Shannon CFRAM study should be based on a 1% AEP flood, plus climate change (represented by a 20% increase in flows), plus 300mm freeboard. For other fluvial watercourses, a conservative approach can be taken by

using the 0.1% AEP event levels and extent to represent the 1% AEP event plus climate change.

The proposed development aligns with the Development Plan zoning, and the flood mitigation measures are stated to support the safe and sustainable development of the site.

*Justification Test: Part 2*

- (i) *The development proposals will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.*

The FRA states that there is no increased risk to nearby properties compared with pre-development Flood Zones. Risk is reduced by the increased conveyance of water from Rivers Road at the culvert location.

- (ii) *The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;*

The Finished Floor Levels (FFL) have been set above the critical flood levels, incorporating the required 300mm freeboard allowance, ensuring adequate protection against extreme flooding and appropriately considers residual risk. Road levels at the entrance are designed to maintain the conveyance route through the site and back into channel. The emergency plan will allow for alternative entrance to be opened, and users informed.

- (iii) *The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access;*

The residual flood risk assessment included a detailed analysis of culvert blockage, culvert size, and stormwater exceedance events. The findings confirm that the site FFLs/road levels are set appropriately and that risk is managed. There is uncertainty over the dimensions of the culvert under Rivers Road, but the hydraulic modelling, blockage analysis, and sensitivity analysis confirm that the culvert is not the main control on water levels because of the large flow volume at this location.

- (iv) *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes;*

The proposed development has been designed to deliver a well-integrated residential development, ensuring a positive addition to the built environment and the area's amenities while promoting compact growth. The site layout ensures efficient land use, balancing flood mitigation measures with sustainable urban development principles and the provision of a new residential community.

Having regard to the above, I consider that the proposed development has passed the Justification Test, as it is a residentially zoned site in an accessible location, complies with local and national guidelines, and does not increase flood risk to the site or the surrounding area.

#### Flood Risk - Policy Compliance

The issue of land use planning and flood risk management is addressed in Chapter 9 of the LDP. Policy CAF P 5 Managing Flood Risk states that it is a policy of the Council to protect Flood Zone A and Flood Zone B from inappropriate development and to direct developments/land uses into appropriate lands. It requires that where a development/land use is proposed that is inappropriate within the Flood Zone but has passed the Plan- Making Justification Test, the development proposal must be accompanied by a Development Management Justification Test and a Site- Specific Flood Risk Assessment. The site is zoned New Residential in the current development plan. I note that in Section B, Justification Tests – Material Alterations, of the Development Plan Strategic Flood Risk Assessment, the site was assessed and it concluded that *‘there is an unmapped watercourse within the site. The Justification Test has not been applied for this site, so the sequential approach and avoidance of Flood Zone A / B must be followed. Any development proposals should include assessment of risks arising from these watercourses and the site- specific FRA should propose suitable mitigation, including application of the sequential approach.’*

While noting that the site has not passed the Plan- Making Justification Test and that it has been identified as Tier 2 (Serviceable), the site- specific Flood Risk Assessment has assessed the unmapped watercourse and has identified that, under

baseline conditions, pre- development, Rivers Road becomes flooded and there is ingress of water into the site at the access point, placing the site entrance in Flood Zone A. In the proposed development, the residential units and creche are in Flood Zone C, and, aside from a section of the site by the entrance, the areas of the site in mapped Flood Zone A and B are part of the required riparian buffer zone. I consider that, as the site has passed the justification test and the development includes surface water management, proposals to reduce flood risk, and emergency planning measures, the sequential approach has been applied. I therefore consider that the proposed development is not a material contravention of Policy CAF P 5.

LDP Objective CAF O24 Minor Flood and Mitigation Works and Coastal Protection Schemes states that it is an objective of the Council to support and facilitate the Office of Public Works Minor Flood and Mitigation Works and Coastal Protection Schemes and ensure development proposals do not impede or prevent the progression of these measures.

In their submission, the Office of Public Works state that the site is bounded on its eastern side by the OPW Channel of C1 of the Mulkear Ballymackeogh Scheme. To gain access for channel maintenance, they request that a 10m-wide strip be retained adjacent to the channel. They state that the channel should be unimpeded to mechanical plant and should not be landscaped, paved or otherwise developed in a manner that would impede or prevent access to the channel. I note that this issue was not addressed in the planner's report, and that the requested condition was not attached to the Planning Authority's grant of permission.

At present, there is tree planting along the river edge. It is proposed to retain these trees and plant parkland trees inside the existing trees as part of the proposed linear park. I note that the River Mulkear is tree-lined for the majority of its length from the motorway bridge to Annacotty. This tree-lined corridor is part of the Lower River Shannon SAC and provides an important wildlife corridor, as discussed in the Appropriate Assessment in Section 9 of this report.

The OPW proposal to remove the existing trees along the river would be contrary to LDP Objective EH O18, which is to maintain riverbank vegetation along watercourses and ensure protection of a 20m riparian buffer zone on greenfield sites and sites are maintained free from development.

While I acknowledge the OPW comments and recommendations, I do not consider that a 10m-wide strip adjacent to the River Mulkear should be retained free of landscaping or development, as it would be contrary to LDP Objective EH 018. A 10m wide strip free from landscaping would interrupt a significant green corridor along the River, reduce the ecological value of the area and would have the potential to cause disturbance to otters, which are a Qualifying Interest for the Lower River Shannon SAC. If the Commission is minded to grant permission, I recommend that a condition be attached requiring that one access point be agreed and made available for the OPW.

Given that there is an existing tree-lined boundary along the eastern edge of the site abutting the River Mulkear, and that access to mechanical plant does not currently exist, I do not consider that the proposed development materially contravenes Objective CAF O24 of the LDP.

*Conclusion: Flooding*

- 8.5.8. I accept that part of the site has been identified as being in Flood Risk A. The proposed entrance to the development is within the Flood Risk A area and will be at risk. A secondary emergency entrance is proposed and will be managed under an emergency plan. This will ensure adequate access to the site and that there is no impediment or restriction to emergency vehicular access to or egress from the proposed development site. The proposed FFLs have adequate freeboard to mitigate flood risk to the residential units, including the risk of culvert blockage associated with climate change. This would not result in an impediment or restriction to emergency vehicular access to or egress from the proposed development site.

I am satisfied, as recommended by the Office of Public Works, that flood risk has been adequately assessed and that adequate protection against flooding is in place to prevent any increase in flood risk to the site or the surrounding area.

**8.6. Material Contravention**

- 8.6.1. As mentioned previously in Sections 8.2.13 and 8.2.16 of this report, I consider that the proposed development contravenes the Limerick Development Plan 2022-2028 in matters of private open space and separation distances. However, as detailed

previously, if the Commission is minded to grant permission, I recommend that section 37(2)(a) be invoked and consider that permission is warranted for the following reasons:

- The proposed rear private amenity spaces for the dwellings meet or exceed the minimum private open space standards for new houses, as required under SPPR 2 of the Compact Settlement Guidelines 2024.
- The proposed development complies with SPPR 1, as all opposing windows serving habitable rooms at the rear or side of houses, above ground-floor level, have a separation of more than 16 m.

8.6.2. With regard to the above, I consider it relevant to note that the planning authority, in their assessment of the application, raised no issue regarding the proposed quantum of private amenity space or the separation distance between the dwellings.

8.6.3. Therefore, having regard to the provisions of 37(2)(a), I recommend that the granting of permission is warranted notwithstanding a material contravention of the Development Plan arises on the matter of private amenity space or the separation distance between the dwelling.

## 9.0 **AA Screening**

9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Shannon SAC (Site code: 002165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V / 177AE was required.

9.2. I note that a Section 25 derogation under the 1997 Habitats Regulations is required for the removal of otters from holts and the subsequent destruction of these holts. It is also necessary if the proposed development is likely to cause disturbance to active breeding holts (when present within approximately 150 metres of a scheme).

Derogations are needed for any works likely to cause disturbance, such as piling and blasting, to active breeding holts (when present within approximately 150 metres of a scheme).

9.3. In accordance with Article 73A of the Planning and Development Regulations, 2001 (as amended), the applicant was requested to provide additional information on 16th

March 2026, including details of the geographical extent of the otter survey and whether any otter holts, including active breeding holts, are within approximately 150 metres of the proposed development site. The further information did not resolve the deficiencies in the survey data concerning 'Lutra Lutra Otters' as the applicant survey did not adequately clarify if any otter holts, including active breeding holts are present within c.150m of the proposed site.

9.4. I have consulted with the in-house Ecologist and received a technical note on the 17<sup>th</sup> April 2026. The note states:

9.5. *'Different techniques exist to survey otter, the most commonly used of which is a detailed search for field signs, including spraint (droppings which are commonly left on rocks in a watercourse), prey remains, holts and couches (places of rest and shelter; holts are underground, couches are above ground), and footprints. Construction works can cause indirect impacts (through disturbance) to breeding holts within 150m of the proposed development. Therefore, as a minimum, watercourses are surveyed 150m upstream and downstream of the proposed development to ensure that any breeding holts are identified and assessed appropriately. In addition, surveys should avoid periods immediately following heavy rainfall or flooding to ensure signs are visible. Camera trap surveys are also highly useful in ascertaining whether otter is present on a site, particularly when traditional, direct-observation surveys are restricted by challenging terrain, dense vegetation, or safety concerns, cameras can be deployed at strategic locations to inform the assessment.'*

9.5.1. The note continues *'The information provided lacks clear details on the methodology, survey dates and weather conditions. Limitations to access the river banks to complete the survey to the requisite 150m upstream and downstream, are identified however no mitigation was applied to ensure the validity of the findings.'*

9.5.2. The note concludes that *'there is reasonable scientific doubt as to the absence of adverse effects on European sites. Therefore, there is insufficient information for An Coimisiún Pleanála to complete the AA.'*

9.6. Following an examination, analysis and evaluation of the NIS, all associated material submitted, including the further information received on the 2nd April 2026, and taking into account observations of the Department of Housing, Local Government

and Heritage and the in house Ecologist Technical Note, I consider that adverse effects on site integrity of the Lower River Shannon SAC (Site code: 002165) cannot be excluded in view of the conservation objectives of these sites, and that reasonable scientific doubt remains as to the absence of such effects.

9.7. My conclusion is based on the following:

- The submitted Natura Impact Assessment.
- Detailed assessment of construction, operational and decommissioning impacts.
- The deficiencies in the information provided, in particular the lack of adequate survey material in relation to 'Lutra Lutra Otters'
- Expert guidance from An Coimisiun Pleanála's ecologist.

9.8. Conclusion

Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, in particular to the lack of detailed survey material in relation to 'Lutra Lutra Otters' [1355] and in relation, therefore, to potential impacts on the qualifying interests of the Lower River Shannon Special Area of Conservation [Site Code 1265], resulting from development on site, I am not satisfied that the proposed development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation [Site Code 1265], in view of the sites' Conservation Objectives. It is considered that the proposed development would, therefore, materially contravene Policy EH P1 of the Limerick Development Plan, 2022-2028, for the protection of European sites. I therefore recommend that permission for the proposed development be refused.

10.0 **Environmental Impact Assessment Screening:**

10.1. The application includes an Environmental Impact Assessment Screening Statement prepared by Genesis Planning Consultant. The report was submitted to the Planning Authority to demonstrate the potential environmental impacts of the proposed development.

- 10.2. The report provides a screening statement for the proposed development against the Annexe III criteria of 2014/52/EU and in accordance with Schedule 7A of the Planning and Development Regulations.
- 10.3. This section sets out my assessment of the need for an Environmental Impact Assessment Report (EIAR), which will enable the Commission to make a determination on the matter.

#### Mandatory Thresholds

- 10.4. There are no activities listed within Part 1 of Schedule 5 of the Planning Regulations (as amended) which relate to the proposed development. It does not fall within the scope of activities listed in Part 1 of Schedule 5 and a mandatory EIA, as classified under Annex 1 is not required.
- 10.5. Item (10) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for various Infrastructure Projects. Class 10 (b)(i) relates to the construction of more than 500 dwelling units. The proposed development involves the construction of 107 units and therefore does not exceed the mandatory threshold. Class 10(b)(iv) relates to 'Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)'. I do not consider that the application site is within a 'business district'. I consider that the site is within part of a 'built-up area' where the 10ha threshold applies. The application site has a total area of 3.17ha (gross) and is therefore significantly below the applicable threshold.
- 10.6. Section 7A of the Planning and Development Regulations 2001, as amended sets out information to be provided by the applicant for the purposes of screening sub-threshold development for EIA.

#### Section 7A information

- 10.7. The applicant has submitted an Environmental Impact Assessment Screening Statement with the application, addressing issues included in Schedule 7A of the Planning and Development Regulations 2001, as amended. I have carried out an EIA screening determination of the project (see Appendix 1) appended to this

report). I have had regard to the information provided in the applicant's EIAR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted Environmental Impact Assessment Screening Statement adequately identifies and describes the effects of the proposed development on the environment.

10.8. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold, where the Commission determines that the proposed development is likely to have a significant effect on the environment.

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - a. the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
  - b. the location of the site on lands zoned 'New Residential' under the Limerick Development Plan 2022-2028 and the results of the strategic environmental assessment of the Limerick Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC)
  - c. the availability of mains water and waste water services to serve the project,
  - d. in the absence of any significant environmental sensitivity in the vicinity, (refer to Appendix 1, EIA Screening Determination Section 2.1 & 2.2.)
  - e. the mitigation measures proposed in the submitted Natura Impact Statement, Ecological Impact Assessment and Outline Construction & Environmental Management Plan.
2. results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by the applicant, envisaged to avoid or prevent what might otherwise have been significant effects on the environment,

I consider that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## 11.0 Water Framework Directive

- 11.1. The provisions of Appendix 3 apply to this section.
- 11.2. The applicant has submitted a Water Framework Directive Assessment. It concluded that the proposed development will not impact on the quality elements of the screened in WFD waterbodies when mitigation measures described in Section 5 of this Report are applied. The Screening Assessment found five WFD waterbodies with potential pathways from the proposed development. These five WFD waterbodies, the Mulkear (Limerick)\_050, Shannon (Lower)\_060, Limerick City East groundwater body, Castleconnell groundwater body, and Limerick Dock transitional waterbody were carried forward to the Scoping stage. The Scoping Assessment found that the proposed development, when considering all aspects of its design including the proposed drainage layout and design measures to be put in place during construction, is not likely to cause a deterioration in WFD status objectives for any of the screened in waterbodies.
- 11.3. The site is located on a green field site on the eastern outskirts of Limerick City. The site is directly adjacent to the Mulkear (Limerick)\_050, the primary WFD-designated waterbody in the area. This river flows northwest before eventually joining the River Shannon, approximately 2.9km. downstream.
- 11.4. A dedicated foul system has been provided as part of the proposed development. The site is part of the Castletroy WWTP agglomeration area, and wastewater entering the public sewer network in the site area flows to Castletroy WWTP, where it is treated and discharged into the River Shannon. The stormwater drainage network for the proposed development includes Sustainable Urban Drainage Systems (SUDS). Following attenuation and treatment through the SUDS train, surface water will discharge to the Garraunykkee watercourse adjacent to the northern site boundary.

- 11.5. Concerns were raised in the third-party observations on the planning application about the impact of the proposed development on the water quality of the River Mulkear.
- 11.6. I have assessed the proposed LRD, the applicant's WFD Screening and Scoping Assessment and considered the objectives set out in Article 4 of the WFD, which seek to protect and, where necessary, restore surface and groundwater waterbodies to achieve good status (meaning both good chemical and good ecological status) and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be excluded from further assessment because there is no conceivable risk to any surface and/or groundwater waterbodies, either qualitatively or quantitatively.
- 11.7. The reasons for this conclusion are as follows:
- The mitigation measures contained within the documentation submitted with the application, e.g. Flood Risk Assessment & CEMP.
  - The standard conditions that can be attached to any grant of permission that surface water shall comply with the requirements of the planning authority for such works and services, with details to be submitted for written agreement.
  - The presence of a public foul sewer to accommodate the proposed development.
  - The presence of a public combined sewer to accommodate a small proportion of the proposed surface water discharge.

On the basis of objective information, the proposed development would not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 12.0 Recommendation

I recommend that permission be refused for the following reason:

Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, in particular to the lack of detailed survey material in relation to 'Lutra Lutra Otters' [1355] and in relation, therefore, to potential impacts on the qualifying interests of the Lower River Shannon Special Area of Conservation [Site Code 1265], resulting from development on site, the Commission is not satisfied that the proposed development would not adversely affect the integrity of the Lower River Shannon Special Area of Conservation [Site Code 1265], in view of the site's Conservation Objectives. A reasonable scientific doubt exists as to the impacts of the proposed development on the site integrity of the above-listed Natura 2000 site, and adverse impacts therefore cannot be ruled out without further analysis and assessment; therefore, the precautionary principle has been adopted. It is considered that the proposed development would, therefore, materially contravene Policy EH P1 of the Limerick Development Plan, 2022-2028 for the protection of European sites, and hence would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Peter Nelson  
Planning Inspector

17<sup>th</sup> April 2026

## APPENDIX 1 - EIA SCREENING

<b>An Bord Pleanála Case Reference</b>	232916		
<b>Proposed Development Summary</b>	Provision of 107 residential units, ESB substation and associated site works.		
<b>Development Address</b>	Rivers Road, Ballyclough Townland, Castletroy, Limerick		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Part 2 10. Infrastructural Projects (b) (i) Construction of more than 500 dwelling units	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	Construction of more than 500 dwelling units The proposed development is 107 dwellings	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		<b>Screening determination remains as above (Q1 to Q4)</b>	
<b>Yes</b>	X	<b>Screening Determination required</b>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## EIA SCREENING DETERMINATION

A. CASE DETAILS		
<b>An Coimisiún Pleanála Case Reference</b>	<b>323916-25</b>	
<b>Development Summary</b>	<b>Large Scale Residential Development of 107 residential development, a creche, ESB substation and associated site works.</b>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	The PA considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not required.
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA screening report and an NIS has been submitted. The Lower Shannon SAC (code: 002165) is immediately to the east of the site.
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have</b>	<b>Yes</b>	NIS, EclA, Outline CEMP, Operational Waste Management Plan, Water Directive Framework Assessment and a Noise

a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		Impact Assessment have all been submitted. The Limerick City and County Development Plan has been subject to SEA.	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</b>			
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	<b>No</b>	The proposed development is for 107 dwellings, including 61 apartments on a greenfield site in Annacotty which is a suburban area with a combination of residential and civic uses. The project is therefore not significantly different in	<b>No</b>

		character or scale to the existing surroundings or environment.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>No</b>	The project will result in the change of the site from a greenfield to a residential development. The development will not result in significant changes to the topography or the River Mulkear. There is only minor demolition work proposed.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>No</b>	The main use of resources will be the construction material and the infilling of inert soil to achieve finished floor levels. The scale and relatively small site area mean that the proposed development will not use a significant amount of natural resources. The scale of the development, at 107 units, will not result in the significant use of natural resources during the operational phase.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>No</b>	Construction activities will require the use of potentially harmful material, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of the Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts are anticipated.	<b>No</b>

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p><b>No</b></p>	<p>As above the construction activities have the potential to release pollutants. Noise and dust emissions are likely during construction. Such impact would be localised and temporary. The implementation of the Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No significant operational pollutants are anticipated. With the implementation of the Operational Waste Management Plan, significant effects due to waste are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p><b>No</b></p>	<p>No significant risk identified. Implementation of the Construction Environmental Management Plan will satisfactorily mitigate against significant emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate from foul services within the site. No significant emissions are anticipated during the operational phase.</p>	<p><b>No</b></p>
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p><b>No</b></p>	<p>Any noise and vibrations during construction will be localised, short-term, and can be mitigated against by conditions and by the operation of the Construction Environmental Management Plan.</p>	<p><b>No</b></p>

<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p><b>No</b></p>	<p>The development is proposed to be connected to existing public services. A confirmation of feasibility for water and wastewater infrastructure without upgrade by UE has been submitted. The operations phase of the development does not involve the use, storage or production of substances or materials which could be harmful to human health.</p>	<p><b>No</b></p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p><b>No</b></p>	<p>Due to the nature of the proposed development, the risks of accidents or disasters are considered low. Risk of accidents and disasters during construction will be managed through an emergency response plan included in the CEMP.</p> <p>The site is not within a Seveso site.</p> <p>A portion of the site to the rear is within the flood zone but no development is to occur on this area. Flooding is not considered a concern. See Section 8.5.</p>	<p><b>No</b></p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p><b>No</b></p>	<p>While the proposed development will result in additional demands on the social environment, they will not be significant. Additional short-term employment will be provided during construction. The creche will provide an additional social facility and employment.</p>	<p><b>No</b></p>

<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p><b>No</b></p>	<p>This is a greenfield site in a suburban residential area. It is not part of a wider, larger-scale change that could have significant cumulative effects on the environment.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p><b>Uncertain</b></p>	<p>The application is accompanied by an NIS. The site is located immediately adjacent to the Lower River Shannon SAC which connects to the River Shannon and River Fergus Estuaries SPA 7km away. The submitted NIS concludes, on the basis of objective scientific information, that the project, individually or in combination with other plans or projects, will not affect the integrity of the European Sites (Lower River Shannon SAC)</p> <p>A riparian buffer of 20m is proposed along the north boundary of the site to protect the stream running along same.</p> <p>The Appropriate Assessment is dealt with in Section 10 and Appendix 2 of this report. It is considered that adverse effects on site integrity of the Lower River Shannon SAC (Site code: 002165) cannot be excluded in view of the conservation objectives of these sites, and that reasonable scientific doubt</p>	<p><b>No</b></p>

		<p>remains as to the absence of such effects. This is due to the inadequacy of the Otter survey. Otters are a Qualifying Interest in the SAC.</p> <p>Any effect to Otters will be during construction and will be limited to the immediate area (c 150m) around the site.</p> <p>While it is uncertain that the proposed development will not prevent or delay the attainment of the conservation objective to Restore favourable conservation condition, given localised nature of the effect, I do not consider that uncertain effect on the otters to be a significant effect on the environment.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p><b>Uncertain</b></p>	<p>The submitted EclA, AA Screening and NIS identified the potential for significant effects on the adjoining Lower River Shannon SAC.</p> <p>Please see Section 9.0 Appropriate Assessment of the Inspector's Report above.</p> <p>It is considered that adverse effects on site integrity of the Lower River Shannon SAC (Site code: 002165) cannot be excluded in view of the conservation objectives of these sites, and that reasonable scientific doubt remains as to the absence of such effects. This is due</p>	<p><b>No</b></p>

	<p>to the inadequacy of the Otter survey. Otters are a Qualifying Interest in the SAC.</p> <p>A significant effect is, by its character, magnitude (including population size affected), duration or intensity, alters a sensitive aspect of the environment. (EPA 2022).</p> <p>A series of mitigation measures are proposed in the NIS relating to impacts on Otters including:</p> <p>Excavations will have a suitable shallow ramp to allow Otter to escape if they enter the excavation. If the natural slope of the sides does not permit this, then a wooden board or similar will be added.</p> <ul style="list-style-type: none"> <li>• All building material will be suitably stored, all unsupervised excavations will be covered while staff are not on-site and overnight to prevent entrapment.</li> <li>• No works to be carried out along the riverbanks</li> <li>• No night lighting, and no operational phase lighting shall be directed towards the watercourses.</li> </ul> <p>Water protection measures are proposed to ensure that fish species will not be affected, and that Otter will not be</p>	
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		<p>indirectly affected through lack of food resources.</p> <p>In the AA assessment I concluded that I am not satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for Otter will not be adversely affected and that the proposed development will not prevent or delay the attainment of the conservation objective to Restore favourable conservation condition.</p> <p>As a 20m riparian buffer zone is proposed the proposed development will not reduce the extent of terrestrial habitat which includes a 10m terrestrial buffer along shoreline.</p> <p>Any effect to Otters will be during construction and will be limited to the immediate area (c 150m) around the site.</p> <p>While it is uncertain that the proposed development will not prevent or delay the attainment of the conservation objective to Restore favourable conservation condition, given localised nature of the effect, I do not consider that uncertain effect on the otters to be a significant effect on the environment.</p>	
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<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>A site listed as an enclosure (RMP LI006-061) is shown on the Record of Monuments and Places maps in the north-east corner of the proposed development site. This site was the subject of a Geophysical Survey concluded that there were no visible traces of the recorded enclosure within the survey results. No protected structures will be impacted by the project. There will be no significant effect on any features of landscape, historic, archaeological, or cultural importance that could be affected.</p>	<p><b>No</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p><b>No</b></p>	<p>There are no areas in the vicinity which contain important, high quality or scarce resources which could be affected by the project.</p>	<p><b>No</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p><b>No</b></p>	<p>The project site is adjacent to the River Mulkear. The project has been assessed under the Water Framework Directive (see section 11).  Part of the project site is within Flood Zones A &amp; B, including the entrance. Emergency measures are proposed. The</p>	<p><b>No</b></p>

		project will reduce flood risk to local properties due to proposed landscaping.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	The site is not susceptible to landslides, subsidence or erosion.	<b>No</b>
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b>	The site is served by an urban road network. The site is in close proximity to the M7 motorway. There are no key transport routes susceptible to congestion or that would cause significant environmental problems that could be affected by the project.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	There are no sensitive land uses adjacent to the subject site.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	There are no major planning permissions in the vicinity of the site, which would not result in negative cumulative environmental effects. Some cumulative effects may arise during construction. This would be subject to a construction traffic management plan.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No transboundary effects arise as a result of the proposed development.	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		

### C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

### D. MAIN REASONS AND CONSIDERATIONS

#### ***EG - EIAR not Required***

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
  - (b) the location of the site on lands zoned 'New Residential' under the Limerick Development Plan 2022-2028 and the results of the strategic environmental assessment of the Limerick Development Plan 2022-2028 undertaken in accordance with the SEA Directive (2001/42/EC)
  - (c) the availability of mains water and waste water services to serve the project,
  - (d) the absence of any significant environmental sensitivity in the vicinity
  - (c) the mitigation measures proposed in the submitted Natura Impact Statement.
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
  1. the features and measures proposed by the applicant are envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment and that an environmental impact assessment report is not required.

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Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX 2: APPROPRIATED ASSESSMENT

### AA SCREENING DETERMINATION

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>		The development consists of 107no. residential units, creche and ESB (see to Section 2.0 of this report)		
<b>Brief description of development site characteristics and potential impact mechanisms</b>		The site is located in Ballyclogh, south of Annacotty. The site is a greenfield site and adjacent to the River Mulkear.		
<b>Screening report</b>		Yes, carried out by JBA Consulting, dated 24/07/2025		
<b>Natura Impact Statement</b>		Yes, carried out by JBA Consulting, dated 24/07/2025		
<b>Relevant submissions</b>		<p>DAU raise concerns relating to discrepancies in the submitted information and the need to establish whether couches or holts exist in the riparian area (and including the tributary stream) within 200m upstream or downstream of the proposed development site (which may not have been covered in the previous site visits) and also to establish the level of Otter activity in the area.</p> <p>The PA Ecologist's report received 01/10/2025 states that the otter survey on the opposite bank to the east of the site, using binoculars, does not follow best practice. The PA carried out an AA, which concluded that the NIS was acceptable and that the mitigation measures were mostly acceptable.</p> <p>Concerns raised in the Observations relating to the impact the proposed development will have on flora and fauna and the River Mulkear.</p>		
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
The submitted AA screening report highlights five Natura 2000 within the Zone of Influence.				
European Site (code)	Qualifying interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N

<p>Lower River Shannon SAC Code: 002165</p>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p>	<p>0m</p>	<p>Direct hydrological connection</p>	<p>Yes</p>
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	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>(30/01/2026)</p>			
<p>River Shannon and River Fergus Estuaries SPA Code: 004165</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p>	<p>7.3m</p>	<p>Site contains minimal supporting habitat for QI birds. Wetlands and Waterbirds are unlikely to use the site as it provides no supporting habitat and features for them.</p> <p>Any indirect effects due to potential impacts on fish and other aquatic organisms are not likely to be</p>	<p>No</p>

	<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p>		<p>sufficient extent to effect QIs.</p>	
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	(30/01/2026)			
Slievefelim to Silvermines Mountains SPA	Hen Harrier ( <i>Circus cyaneus</i> ) [A082]  (30/01/2026)	8.5km	No supporting habitat.  Located upstream of the catchment and with no viable pathway or connection.	No
Clare Glen SAC Code: 00930	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]  <i>Vandenboschia speciosa</i> (Killarney Fern) [6985]  (30/01/2026)	9.6km	Located upstream of the catchment and with no viable pathway or connection.	No
Glenstal Wood SAC Code: 001432	<i>Vandenboschia speciosa</i> (Killarney Fern) [6985]  (30/01/2026)	9.7m	Located upstream of the catchment and with no viable pathway or connection.	No

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Lower River Shannon SAC</b> <b>Code: 002165</b>  Sandbanks which are slightly covered by sea water all the time [1110]  Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Coastal lagoons [1150]	<b>Direct:</b> None  <b>Indirect:</b>  Pollution and sedimentation release.   Spread of invasive species	Pollution and sedimentation arising from the site clearance, excavation and construction phases can also impact on surface water dependent habitat quality, for example alluvial woodlands. The increase in hard standing surfaces may result in an increase in surface water runoff, as well as stormwater generation from roadways.  The spread of Giant Hogweed through the entry to the watercourse by disturbance

<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p>	<p>Contamination of groundwater</p> <p>Loss of supporting habitat.</p> <p>Release of dust</p> <p>Noise and disturbance</p>	<p>during the construction phase, can have significant effects on downstream habitats, such as alluvial woodlands. Risk of spreading invasives through insufficient biosecurity measures.</p> <p>Connectivity between the groundwater and surface waterbodies is present, due to the proximity to the River Mulkear. Any impacts to the groundwater body at this site will rapidly enter the adjacent surface water network.</p> <p>Land impacts can occur through direct physical impact (i.e., loss of supporting habitat)</p> <p>Emissions of airborne particles or pollutants could potentially impact on sensitive receptors through a change in acidity of water, coating of vascular plants or alluvial/riparian habitats, which may reduce Photosynthesis.</p> <p>Potential loss, damage or physical disturbance of the riparian trees and other riparian habitats on the Eastern boundary of the site, which would ultimately impact QI species, e.g. Otter.</p>
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<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p> <p>(30/01/2026)</p>		
	<p><b>Likelihood of significant effects from proposed development (alone): YES</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>	
	<p><b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b></p>	
<p>The potential of surface water pathways existing between the proposed project and the Lower River Shannon SAC cannot be ruled out. The project is in close proximity (0m) of the to the River Mulkear which is a part of the Lower River Shannon SAC. There is a potential for construction impacts on the SAC and the following QIs:</p> <ul style="list-style-type: none"> <li>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion,</li> <li>• Alnion incanae, Salicion albae) [91E0]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and</li> <li>• Callitricho-Batrachion vegetation [3260]</li> <li>• Freshwater Pearl Mussel Margaritifera margaritifera [1029]</li> <li>• Sea Lamprey Petromyzon marinus [1095]</li> <li>• Brook Lamprey Lampetra planeri [1096]</li> <li>• River Lamprey Lampetra fluviatilis [1099]</li> <li>• Salmon Salmo salar [1106]</li> <li>• Otter Lutra lutra [1355]</li> </ul> <p>to arise through this pathway during both construction and operational phases.</p>		
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		

It is not possible to exclude the possibility that proposed development alone would result significant effects on the Lower River Shannon SAC (Code: 002165) from effects associated with pollution and sedimentation release through ground and surface water, during construction, spread of invasive species, loss of supporting habitat, release of dust, and noise disturbance.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

**Proceed to AA.**

### **Screening Determination**

#### **Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Lower River Shannon SAC (Code: 002165) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The proximity of the site to Lower River Shannon SAC (Code: 002165)
- Potential hydrological pathway from the proposed development site to Lower River Shannon SAC and potential for construction-related surface water discharges entering into the River Shannon.
- The information provided in the submitted AA Screening Report.

## APPROPRIATE ASSESSMENT DETERMINATION

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 107 residential units in view of the relevant conservation objectives of Lower River Shannon Special Area of Conservation based on scientific information provided by the application

The information relied upon includes the following:

- AA Screening Report by JBA Consulting
- Natura Impact Statement prepared by JBA Consulting
- Construction Environmental Management Plan by Garland
- Site Specific Flood Risk Assessment by JBA Consulting
- Ecological Impact Assessment by JBA Consulting
- Civil Engineering Report by Garland
- Water Framework Directive Assessment by Genesis Planning Consultants
- Publicly accessible information on the NPWS website

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am not satisfied that all aspects of the project, which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness. The otter surveys consisted of riverbank surveys between February and June and observation of the opposing banks was carried out using binoculars. The extent of the survey was confined to the northern tributary of the site along the stream and along the eastern boundary along the Mulkear River, and just south of the motorway underpass. The survey did not include the area north of the site along the Mulkear River. The applicant was requested to clarify if the construction of the proposed development will result in the removal of otters from holts, and the subsequent destruction of these holts or is likely to cause disturbance to active breeding holts when present within c.150m of the proposed development. The further details submitted indicate that the otter survey did not cover an area of at least c.150m of the proposed site.

The information provided lacks clear details on the methodology, survey dates and weather conditions. Limitations to access the river banks to complete the survey to the requisite 150m upstream and downstream, are identified however no mitigation was applied to ensure the validity of the findings.

There are also discrepancies in the submitted information with the landscape masterplan showing a proposed timber post and rail fence set in concrete pads with wire mesh along the Mulkear riverside boundary and along the northern stream, while the further information submitted on the 2<sup>nd</sup> April 2026 states that no machinery, material or site compounds will be used within a 20m riparian zone along the Mulkear River and the northern stream tributary.

I consider the extent and methodology of the Otter survey to be deficient and, therefore, the assessment of the effects on the Qualifying Interest to be incomplete.

### **Submissions/observations**

**Department of Housing, Local Government and Heritage** – report received  
11/09/25

The main comments can be summarised as follows:

- The proposals and protocol for silt fencing and/or bunding appear to differ between the CEMP and the NIS.
- Recommended that there is a clear plan for effective silt control during the construction stage to protect Qualifying Interest downstream
- The risk to water quality from ground disturbance and the use of machinery, and the potential use of fresh concrete (if any) involved in the construction of this, which is clearly within the riparian buffer zone and outside of the proposed silt fencing, have not been addressed.
- Noted that a targeted Otter survey was not undertaken and the opposite side of the Mulkear River was only surveyed with binoculars.
- Important to establish whether couches or holts exist in the riparian area (and including the tributary stream) within 200m upstream or downstream of the proposed development site (which may not have been covered in the previous site visits) and also to establish the level of Otter activity in the area.
- The NIS should include as mitigation an appropriate protocol in the event that a holt or couch is identified, which may include the need for a Regulation 54 derogation licence to be in place if there is the likelihood that they are being actively used by Otters.
- Lighting associated with the proposed development may cause disturbance to otters and Lesser Horseshoe bats.
- Proposed riverside fence will be a barrier to otters.

- Recommended that a detailed survey for breeding Kingfishers is carried out in advance of any construction works at the eastern end of the site.

**OPW**

- Requesting a condition attached to any grant of permission for a 10m wide strip to be retained adjacent to the channel.
- Planning Authority should ensure that the development is acceptable from a flood risk perspective.

**Lower River Shannon SAC (Code: 002165):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

**[examples]**

- (i) Water quality degradation (construction and operation)**
- (ii) Spread of invasive species**
- (iii) Loss of supporting habitat**
- (iv) Disturbance of mobile species**
- (v)**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Sandbanks which are slightly covered by sea water all the time [1110]	To maintain the favourable conservation condition of Sandbanks. The distribution of sandbanks is stable, subject to natural processes. The permanent habitat area is stable or increasing, subject to natural processes	None No pathway ZOI identified (distance) >90m	

Estuaries [1130]	To maintain the favourable conservation condition. The permanent habitat area is stable or increasing, subject to natural processes.	None No pathway ZOI identified (distance) 6.5m downstream	
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition The permanent habitat area is stable or increasing, subject to natural processes.	None No pathway ZOI identified (distance) 6.5m downstream	
Coastal lagoons [1150]	To restore the favourable conservation condition. No decline in habitat subject to natural processes.	None No pathway ZOI identified (distance) >32km downstream	
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition. The permanent habitat area is stable or increasing, subject to natural processes.	None No pathway ZOI identified (distance) >90km downstream	
Reefs [1170]	To maintain the favourable conservation condition The distribution of Reefs is stable, subject to natural processes. The permanent habitat area is stable, subject to natural processes.	None No pathway ZOI identified (distance) 21km downstream	
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition. Area stable or increasing, subject to natural processes,	None No pathway ZOI identified (distance) 80km downstream	

	including erosion and succession. No decline, or change in habitat distribution, subject to natural processes.		
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	To maintain the favourable conservation condition. Area stable or increasing, subject to natural processes, including erosion. No decline in habitat distribution, subject to natural processes.	None No pathway ZOI identified (distance) c.65km downstream	
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition. No decline, or change in habitat distribution, subject to natural processes. Maintain natural circulation of sediments and organic matter, without any physical obstructions	No pathway ZOI identified (distance) c.65km downstream	
Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]	To restore the favourable conservation condition. Habitat area stable or increasing, subject to natural processes, including erosion and succession. No decline or change in habitat distribution, subject to natural processes.	None No pathway ZOI identified (distance) c.23km downstream	
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To restore the favourable conservation condition. Habitat area increasing, subject to	None No pathway ZOI identified (distance) c.23km downstream	

	<p>natural processes, including erosion and succession.</p> <p>No decline, or change in habitat distribution, subject to natural processes.</p>		
<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p>	<p>To maintain the favourable conservation condition. Habitat area stable or increasing, subject to natural processes. No habitat distribution subject to natural processes.</p>	<p>Yes</p> <p>Pollution and sedimentation arising from site clearance, excavation and construction phases can impact on surface water dependant habitats.</p> <p>Pollution from inappropriate drainage / insufficient interceptor / swales</p>	<p>Water protection mitigation measures including but not limited to:</p> <p>20m vegetated buffer along the watercourses.</p> <p>Silt barriers where necessary</p> <p>Bunds around hydrocarbons</p> <p>Refuelling away from edge of the water</p> <p>Spill trays &amp; absorbent pads.</p> <p>Invasive species management protocol in place to prevent spread across, to and from site.</p> <p>No in stream works.</p> <p>Specific mitigation measures for surface water drainage connection to northern boundary stream including but not limited to:</p> <p>ECoW supervision, water quality monitoring measures in place, prior, during, and post installation.</p>
<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion</p>	<p>To maintain the favourable conservation condition. Habitat area stable or increasing, subject to natural processes.</p>	<p>None</p> <p>No pathway ZOI identified (distance) c.10km downstream</p>	

caeruleae) [6410]	No habitat distribution subject to natural processes.		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	To restore the favourable conservation condition. Habitat area stable or increasing, subject to natural processes. No decline in Habitat distribution. Woodland stable or increasing.	Hydrology Spread of invasive species. Pollution and sedimentation arising from site clearance, excavation and construction phases can impact on surface water dependant habitats.	Invasive species management protocol in place to prevent spread across, to and from site. Any landscaping along the watercourses to use locally sourced native species with species composition to be agreed on by biodiversity officer and to be in line with LCCC guidelines. Landscaping not to include potentially invasive species. Water protection mitigation measures including: maintenance of a vegetated buffer along the watercourses. Silt barriers where necessary Bunds around hydrocarbons Refuelling away from edge of the water Spill trays & absorbent pads.
<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition. Restore to 10,000 adult mussels. No more than 5% decline from previous number of live adults counted Restore suitable habitat in more than 3.3km and any additional stretches	Yes - downstream. Pollution and sedimentation arising from site clearance, excavation and construction phases can impact on surface water dependant habitats.	Water protection mitigation measures including but not limited to: 20m vegetated buffer along the watercourses. Silt barriers where necessary Bunds around hydrocarbons Refuelling away from edge of the water

	necessary for salmonid spawning. Restore appropriate hydrological regime.		Spill trays & absorbent pads. Invasive species management protocol in place to prevent spread across, to and from site. No in stream works. Specific mitigation measures for surface water drainage connection to northern boundary stream including but not limited to: ECoW supervision, water quality monitoring measures in place, prior, during, and post installation.
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition. Distribution: Greater than 75% of main stem length of rivers accessible from estuary. No decline in extent and distribution of spawning beds.	Yes Release of suspended solids can lead to both acute and chronic impacts as a result of gill irritation. Changes to the nutrient load has the potential to interfere with the olfactory system of individuals. Temporary displacement.	Mitigation measures for protection of local aquatic habitats from dust, concrete, and pollutant spill. Strict water quality and protection measures to be implemented.
Lampetra planeri (Brook Lamprey) [1096]	To maintain the favourable conservation condition. Distribution: Access to all water courses down to first order streams. No decline in extent and distribution of spawning beds	Yes Release of suspended solids can lead to both acute and chronic impacts as a result of gill irritation. Changes to the nutrient load has the potential to interfere with the olfactory system of individuals.	Mitigation measures for protection of local aquatic habitats from dust, concrete, and pollutant spill. Strict water quality and protection measures to be implemented.

		Temporary displacement.	
Lampetra fluviatilis (River Lamprey) [1099]	To maintain the favourable conservation condition. Distribution: Access to all water courses down to first order streams. No decline in extent and distribution of spawning beds	Yes Release of suspended solids can lead to both acute and chronic impacts as a result of gill irritation. Changes to the nutrient load has the potential to interfere with the olfactory system of individuals. Temporary displacement.	Mitigation measures for protection of local aquatic habitats from dust, concrete, and pollutant spill. Strict water quality and protection measures to be implemented.
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition. Distribution: 100% of river channels down to second order accessible from estuary. No decline in number and distribution of spawning redds due to anthropogenic causes	Yes Release of suspended solids can lead to both acute and chronic impacts as a result of gill irritation. Release of sediment can result in enrichment through introduction of phosphorus and nitrogen. As sediment settles in the riverbed it can lead to coating of valuable habitats (e.g. redds) with which (especially when combined with algal growth), resulting in a loss of oxygen to eggs and larvae stages affecting viability. Changes to the nutrient load has the potential to interfere with the	Mitigation measures against dust, concrete and water pollution. Strict water quality and protection measures to be implemented

		olfactory system of individuals. Temporary displacement. Water pollution causing reduction in food.	
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	To maintain the favourable conservation condition. Species range within the site should not be restricted by artificial barriers to site use. Critical areas, representing habitat used preferentially by bottlenose dolphin, should be maintained in a natural condition. Human activities should occur at levels that do not adversely affect the bottlenose dolphin population at the site.	None No pathway ZOI identified (distance) None recorded. >42km downstream	
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition. Distribution: No significant decline. No significant decline in terrestrial habitat. No significant declines in freshwater (river habitat)	Hydrology/Land Disturbance Loss of habitat Sediment release leading to reduced water quality. Indirect impact with loss of foraging resources. Cause Otter to display adverse behaviour to ex-situ habitat near the site area as a result of visual and audible disturbance	Pre-construction survey proposed. Strict water quality and protection measures to be implemented No night works. No light directed towards the watercourses No excavation to be left unsecured. Water protection measures as above.

The above table is based on the documentation and information provided in the file, and I am satisfied that the submitted NIS has identified the relevant attributes and targets of

the Qualifying Interests. In particular, I note those relating to sediment release into the Mulkear River, which can reduce water quality and lead to both acute and chronic impacts, including gill irritation, for the fish QIs. I also note the potential for disturbance and barriers to otters.

### **Assessment of issues that could give rise to adverse effects view of conservation objectives**

Examples:

#### **(i) Water quality degradation**

The potential impact from the proposed project is posed during the construction phase and relates to potential pollution of surface water caused by accidental spillage of pollutants, such as hydrocarbons, dust pollution, visual and audible disturbance which could impact upon the designated QI species.

#### **Mitigation measures and conditions**

- To prevent watercourse pollution the following actions are required:
- Weather conditions and seasonal weather variations will be taken into account when planning excavations, with an objective of minimising soil erosion. Where possible, significant earthworks operations shall be limited to the summer months and periods of low rainfall.
- It is suggested that a berm be constructed along the northern and eastern boundaries of the site to prevent any flow of surface water into the watercourse ditch during construction. The flow will be directed to low points in the site where it will infiltrate or pumped to treatment ponds or tanks.
- Silt fencing will be installed strategically around and through the site. An outline of the silt fencing and berm location are in the construction stage CEMP and will be subject to a detailed assessment of the planned works methodology and works area. The purpose of the silt fencing is to prevent silt laden water leaving the site and entering adjoining lands and the existing watercourse with the potential to impact watercourses.
- No direct discharges made to storm or land drains where there is potential for cement or residues in discharge.

- Adoption of a construction level surface water plan including appropriate barrier controls to prevent any polluted surface water from the site reaching the freshwater environment. OJP-JBAI-XX-XX-RP-BD-0003-S3-P02-NIS Page 35
- Fail-safe site drainage and bunding through drip trays on plant and machinery will be provided to prevent discharge of chemical spillage from the site to surface water.
- The site compounds are not to be within 50m of waterways.
- No hydrocarbons, or any other materials toxic to aquatic environments shall be stored within 50m of waterways.
- Any stockpiles of soil or materials liable to release sediment shall be kept at least 50m away from the edges of the waterways.

I am satisfied that the preventative measures aimed at interrupting the source-pathway-receptor are focused on the main threats to protected aquatic species and that, by stopping these pathways or reducing potential effects to a non-significant level, adverse impacts can be avoided.

#### **(ii) Disturbance of Species: Otter**

Surface water pollution and physical disturbance may:

- Impact negatively on ex-situ habitat quality, reducing the distribution of this species.
- Direct damage to Otter holts
- Cause a collapse in the availability of prey within external supporting habitat, thus limiting the distribution range of Otter.
- Cause Otter to display adverse behaviour to ex-situ habitat near the site area as a result of visual and audible disturbance.

Otter may become trapped in excavations where there is no escape route provided.

Visual and audible disturbance may cause Otter to display aversive behaviour to existing and potential couching sites and holts along the River Mulkear within 150m buffer zone of the site.

Surface water pollution may:

- Degrade the local fish population, limiting the fresh biomass available for the local Otter
- pollution.
- Additionally, fish persisting in polluted environments but are later consumed by Otter may indirectly introduce the contaminants into the Otter population.

#### **Mitigation measures and conditions**

- Excavations will have a suitable shallow ramp to allow Otter to escape if they enter the excavation. If the natural slope of the sides does not permit this, then a wooden board or similar will be added.
- All building material will be suitably stored, all unsupervised excavations will be covered while staff are not on-site and overnight to prevent entrapment.
- No works to be carried out along the riverbanks
- No night lighting, and no operational phase lighting shall be directed towards the watercourses.
- Impacts on Otter may also result indirectly with impacts to fish. Water protection measures will ensure that fish species will not be affected, and that Otter will not be indirectly affected through lack of food resources.

Given the deficiencies in the information provided, especially the limitations of the otter surveys, and discrepancies in the submitted information relating to construction adjacent to the watercourses, I am not satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for Otter will not be adversely affected and that the proposed development will not prevent or delay the attainment of the conservation objective to Restore favourable conservation condition.

#### **(iii) Spread of invasive species**

Spread of invasive species: Giant Hogweed (*Heracleum mantegazzianum*) and Winter Heliotrope (*Petasites pyrenaicus*) have the potential to undermine conservation objectives for habitat (91E0) Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, an area identified downstream of the proposed development.

#### **Mitigation measures and conditions**

- Giant Hogweed is prevalent in the Mulkear catchment and therefore permanently eradicating from the site without a catchment wide effort will be extremely difficult. The Giant Hogweed is restricted to the riverbank. No disturbance of the riverbank shall occur, and no works shall happen within 10m of the top of the riverbank to prevent the spread of Giant Hogweed.
- ECoW to monitor Giant Hogweed growth and treat appropriately to prevent further spread on to site throughout all phases of the project.
- No disturbance of the buffer zones shall occur.
- Any Winter Heliotrope, or other invasive species will be treated following best practice guidelines in place at the time of construction.
- Chemical control through targeted application of herbicides can be used to manage large infestations if necessary.
- Best management practices include restricting access routes and encroachment into streams and preventing trampling of riparian vegetation.
- wheel wash for construction vehicles should be put in place to prevent spread of seed away from the site.

I am satisfied that the measures proposed can be implemented and supervised effectively and will be effective in preventing the spread of invasive species.

### **In-combination effects**

The following projects or plans were identified in the NIS as potential sources of cumulative impacts:

Plans: Limerick Development Plan 2022-2028, Limerick Biodiversity Action Plan 2025-2030, River Basin Management Plan 2022-2027

Projects: Planning applications in the vicinity of the proposed site, which could act in combination with the proposed development, were sought on the planning website MyPlan.ie. These plans have been detailed in the applicants' Appropriate Assessment Screening.

The NIS concludes that the Limerick County Development Plans, RBMWP and the other permitted projects within the last 3 years and 2km of the site are considered in combination with the currently proposed project in the Screening Assessment.

As I am not satisfied that the measures proposed are adequate and will be effective in ensuring that the attributes required to restore the favourable conservation condition for Otter will not be adversely affected and that the proposed development will not prevent or delay the attainment of the conservation objective to Restore favourable conservation condition, I am, therefore, not satisfied that the in-combination effects have been assessed adequately in the NIS.

### **Findings and conclusions**

The applicant determined that, following the implementation of mitigation measures, the construction and operation of the proposed development, alone or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Having regard to deficiencies in the information provided, in particular to the lack of detailed survey material in relation to 'Luta Lutra Otters' (1355), I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. I am not satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

### **Reasonable scientific doubt**

I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development may affect the attainment of the Conservation objectives of the Lower River Shannon SAC (Site code: 002165).

Adverse effects on site integrity cannot be excluded, and reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lower River Shannon SAC (Site code:

002165) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V / 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, including the further information received on the 2<sup>nd</sup> April 2026, and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the Lower River Shannon SAC (Site code: 002165)

cannot be excluded in view of the conservation objectives of these sites, and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The submitted Natura Impact Assessment.
- Detailed assessment of construction, operational and decommissioning impacts.
- The deficiencies in the information provided in particular the lack of adequate survey material in relation to 'Lutra Lutra Otters'

### APPENDIX 3: WATER FRAMEWORK DIRECTIVE

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	<b>323916</b>	<b>Townland, address</b>	Rivers Road, Ballyclogh, Castletroy, Limerick
<b>Description of project</b>		Residential Development of 107 units, ESB substation and creche, all with connections to Uisce Eireann Wastewater and Drinking water infrastructure.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is directly adjacent to the Mulkear (Limerick)_050, the primary WFD-designated waterbody in the area. This river flows northwest before eventually joining the River Shannon, approximately. 2.9km downstream. A small tributary of the Mulkear forms the site's northern boundary.</p> <p>The EPA names this watercourse Garraunykkee.</p>	
<b>Proposed surface water details</b>		<p>Internal site works and attenuation systems to include a hydrocarbon and silt interceptor on the storm network prior to discharge to the storm outfall pipe from the site. The proposed design includes Sustainable Urban Drainage Systems (SUDS), including rainwater harvesting butts, bioretention systems, permeable paving, swales, catchpit manholes, bypass interceptors, and a hydrobrake limiting outfalls to the calculated greenfield runoff rates.</p>	

<b>Proposed water supply source &amp; available capacity</b>	Uisce Eireann mains water connection
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Uisce Eireann Wastewater connection with the provision of a wastewater foul pumping station. The site is part of the Castletroy WWTP agglomeration area, and wastewater entering the public sewer network in the site area flows to Castletroy WWTP, where it is treated and discharged to the River Shannon. The Uisce Eireann Capacity Register indicated that there is spare capacity available in the Castletroy WWTP (August 2025)
<b>Others?</b>	

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

River Waterbody	0m	MULKEAR (LIMERICK)_ 050 IE_SH_25M0 40590	Good	Not at Risk	None	Yes – directly connected to the proposed site
	2.9km	SHANNON (LOWER)_06 0 IE_SH_25S0 12600	Moderate	Review	None	Waterbody is downstream via the Mulkear River
Groundwater Waterbody	Site is inside this groundwater body	Limerick City East IE_SH_G_13 8	Good	At Risk	Agriculture, DWTS	Yes – Development site is inside this groundwater body, hydraulically linked

	Site is inside this groundwater body	Castleconnell IE_SH_G_05 2	Good	Not at Risk	None	Yes – Development site is inside this groundwater body, hydraulically linked
Transitional	5.8km	Limerick Dock (IE_SH_060_0900)	Poor	At Risk	Agricultural	Yes - Waterbody is downstream via the Mulkear River and River Shannon

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)	<b>Determination** to proceed to Stage 2. Is there a risk to</b>
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						Detail	the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	MULKEAR (LIMERICK)_050 IE_SH_25M040590	The Mulkear River is directly connected to the proposed site.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes – proximity to river warrants additional investigation	Screened in
		SHANNON (LOWER)_060 IE_SH_25S012600	Waterbody is downstream via the Mulkear River	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes – direct pathway from Mulkear river warrants additional investigation	Screened in

2.	Ground	Limerick City East IE_SH_G_13 8	Pathway exists due to highwater table. Moderate to high groundwater vulnerability. Medium to high subsoil permeability	Siltation, pH (Concrete), hydrocarbon spillages	Mitigation measures for the protection of groundwater are included in the CEMP and aim to ensure that no significant changes to conductivity or pollutant concentration occurs.	Yes. Risk of not achieving WFD Objective	Screened in
		Castleconnell IE_SH_G_05 2	Pathway exists due to highwater table. Moderate to high groundwater vulnerability. Medium to high subsoil permeability	Siltation, pH (Concrete), hydrocarbon spillages	Mitigation measures for the protection of groundwater are included in the CEMP and aim to ensure that no	Yes. Risk of not achieving WFD Objective	Screened in

					significant changes to conductivity or pollutant concentration occurs.		
3.	Transitiona I	Limerick Dock (IE_SH_060_0900)	Waterbody is downstream. Pathway via the Mulkear River and River Shannon.	Siltation, pH (Concrete), hydrocarbon spillages	Mitigation measures in CEMP aim to will help to capture, control, and reduce surface water run-off, suspended solids and pollutants discharging from site to the Mulkear River (Limerick) and further downstream to	Yes. Risk of not achieving WFD Objective	Screened in

					the Limerick Dock during construction		
<b>OPERATIONAL PHASE</b>							
1.	Surface	MULKEAR (LIMERICK)_050 IE_SH_25M040590	The Mulkear River is directly connected to the proposed site.	Hydrocarbon spillage. Flood Risk	SUDs features.	Yes – proximity to river warrants additional investigation	Screened in
		SHANNON (LOWER)_060 IE_SH_25S012600	The Mulkear River is directly connected to the proposed site.	Hydrocarbon spillage. Flood Risk	SUDs features.	Yes – direct pathway from Mulkear river warrants additional investigation	Screened in

2.	Ground	Limerick City East IE_SH_G_13 8	Pathway exists due to highwater table. Moderate to high groundwater vulnerability. Medium to high subsoil permeability	Spillages, Pumping station, Flood Risk	SUDs features. Ground level changes and landscaping to redirect flow.	Yes	Screened in
		Castleconnell IE_SH_G_05 2	Pathway exists due to highwater table. Moderate to high groundwater vulnerability. Medium to high subsoil permeability	Spillages, Pumping station, Flood Risk	SUDs features. Ground level changes and landscaping to redirect flow.	Yes	
3.	Transitiona l	Limerick Dock (IE_SH_060_0900)	Waterbody is downstream. Pathway via the Mulkear River and River Shannon.	Hydrocarbon spillage. Flood Risk	SUDs features.	Yes	Screened in

DECOMMISSIONING PHASE					
5.	NA				
STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/ Activity	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)

	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<p><b>Construction works</b></p> <p>Site clearance and preparation.</p> <p>Below ground construction.</p> <p>Above ground construction.</p> <p>Hard and soft landscaping.</p>	<p>Site specific construction mitigation methods described in Section 3.1 of the CEMP. Including construction if a berm along the northern and eastern boundaries of the site to prevent any flow of water into watercourse ditch during construction, Silt fencing, drainage ditches, on-site treatment ponds,</p>	<p>Site specific construction mitigation methods described in Section 3.1 of the CEMP. Including construction if a berm along the northern and eastern boundaries of the site to prevent any flow of water into watercourse ditch during construction, Silt fencing, drainage</p>	<p>Site specific construction mitigation methods described in Section 3.1 of the CEMP. Including A berm will be installed during construction preventing any flow of surface water into the watercourses, flow will be directed to low points in the site where it will infiltrate or be pumped to treatment</p>	<p>NA</p>	<p>YES</p>

	settlement ponds/tanks,	ditches, on-site treatment ponds, settlement ponds/tanks,	ponds or tanks. Additionally, silt fencing will be installed strategically throughout the site and drainage ditches will be installed to intercept surface water where there is a risk of significant water flow into excavations, adjoining lands or the existing watercourse.		
<b>Operational</b> Surface water run/off discharge Wastewater discharge.	The operational drainage design includes SUDS measures which will act to retain and filter surface water, through the use of	The operational drainage design includes SUDS measures which will act to retain and filter surface water, through the	The operational drainage design includes SUDS measures which will act to retain and filter surface water,	NA	YES

	<p>attenuation areas in the form of; swales, bioretention system, and rainwater harvesting butts proposed at each individual housing unit. Private parking areas will have permeable paving. After passing through the SUDS treatment train, surface water outflows will be restricted using a hydrobrake flow control device to the greenfield runoff rate.</p>	<p>use of attenuation areas in the form of; swales, bioretention system, and rainwater harvesting butts proposed at each individual housing unit. Private parking areas will have permeable paving. After passing through the SUDS treatment train, surface water outflows will be restricted using a hydrobrake flow</p>	<p>through the use of attenuation areas in the form of; swales, bioretention system, and rainwater harvesting butts proposed at each individual housing unit. Private parking areas will have permeable paving. After passing through the SUDS treatment train, surface water outflows will be restricted using a hydrobrake flow control device to the greenfield runoff rate.</p>		
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		control device to the greenfield runoff rate.			
<b>Details of Mitigation Required to Comply with WFD Objectives – Template</b>					
<b>Groundwater</b>					
<b>Development/ Activity</b>	<b><u>Objective 1: Groundwater</u></b> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<b><u>Objective 2: Groundwater</u></b> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<b><u>Objective 3: Groundwater</u></b> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
<b>Construction works</b> Site clearance and preparation. Below ground construction. Above ground construction. Hard and soft landscaping	Site specific construction mitigation methods described in Section 3.1 of the CEMP. Including: Stockpiles of soils in areas of moderate ground water permeability, silt fencing and settlement ponds in areas of moderate ground water permeability, Earthworks shall be left exposed for the	Site specific construction mitigation methods described in Section 3.1 of the CEMP. Including: Stockpiles of soils in areas of moderate ground water permeability, silt fencing and settlement ponds in areas of moderate ground water permeability, Earthworks shall be left exposed for	N/A	YES

	<p>minimum time possible, Landscaping and seeding of the site shall be carried out as early as possible, Continuous Flight Auger (CFA) techniques will be used to prevent the formation of open holes in the ground, minimizing collapse risk and groundwater ingress, Silt fencing and berms will be placed closely around active piling zones; Surface trenches will be constructed to</p>	<p>the minimum time possible, Landscaping and seeding of the site shall be carried out as early as possible, Continuous Flight Auger (CFA) techniques will be used to prevent the formation of open holes in the ground, minimizing collapse risk and groundwater ingress, Silt fencing and berms will be placed closely</p>		
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	<p>redirect runoff away from the piling area toward temporary surface water storage tanks or ponds.</p>	<p>around active piling zones, Surface trenches will be constructed to redirect runoff away from the piling area toward temporary surface water storage tanks or ponds.</p>		
<p><b>Operational</b> Surface water run/off discharge Wastewater discharge.</p>	<p>The operational drainage design includes SUDS measures which will act to retain and filter surface water, through the use of attenuation areas in the form of; swales, bioretention system,</p>	<p>The operational drainage design includes SUDS measures which will act to retain and filter surface water, through the use of attenuation areas in the form of; swales,</p>	N/A	YES

	<p>and rainwater harvesting butts proposed at each individual housing unit. Private parking areas will have permeable paving. After passing through the SUDS treatment train, surface water outflows will be restricted using a hydrobrake flow control device to the greenfield runoff rate.</p>	<p>bioretention system, and rainwater harvesting butts proposed at each individual housing unit. Private parking areas will have permeable paving. After passing through the SUDS treatment train, surface water outflows will be restricted using a hydrobrake flow control device to the greenfield runoff rate.</p>		
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